



Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION MEETING AGENDA August 23, 2017

Tom Baker Meeting Room

5:00 p.m.

City-County Office Building

Item No.

Page No.

MINUTES

1. Consider approval of the minutes of the July 26, 2017 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA CONSIDERATION

The following items are requests for a public hearing.

2. **Lot 5 and the North 50 feet of Lot 6, Block 1, Gomke Estates (JW)**
Zoning Change (CA to MA) | ZC2017-016..... 1

Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny
3. **Multiple Sections Relating to Contextual Front Setbacks in Residential Zoning Districts (DN)**
Zoning Ordinance Text Amendment | ZOTA2017-007.....7

Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny
4. **Section 14-03-08 Relating to Special Uses / Off-Premise Advertising Signs (DN)**
Zoning Ordinance Text Amendment | ZOTA2017-008..... 22

Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny
5. **Sections 14-09-03 (Definitions), 14-09-04 (Procedure) and 14-09-06 (Improvements) Relating to Regulations Governing the Subdivision of Land (Klee)**
Zoning Ordinance Text Amendment | ZOTA2017-004..... 26

Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny



6. **Section 14-03-08 Relating to Special Uses / Asphalt and Concrete Production Facilities (Klee)**
Zoning Ordinance Text Amendment | ZOTA2017-010..... 54
Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny

REGULAR AGENDA

FINAL CONSIDERATION/PUBLIC HEARINGS

The following items are requests for final action and forwarding to the City Commission

7. **South Meadows Addition Second Replat (DN)** 58
- Zoning Change (RM15 to R10) | ZC2017-014
Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny
 - Minor Subdivision Final Plat | MPLT2017-008
Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny
8. **Lot 1, Block 1, Brauer's Addition (WH)**
Special Use Permit (Child Care Center) | SUP2017-011 65
Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny
9. **Sections 14-03-06 (Incidental Uses), 14-04-01 (RR Residential District) and 14-04-01.1 (RR5 Residential District) and 14-04-17 (A Agricultural District) Relating to Accessory Buildings (Klee)**
Zoning Ordinance Text Amendment | ZOTA2017-009..... 71
Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

OTHER BUSINESS

10. **Other**

ADJOURNMENT

10. **Adjourn.** The next regular meeting date is scheduled for **September 27, 2017.**

Enclosures: Meeting Minutes of July 26, 2017
 Building Permit Activity Month to Date Report for July 2017
 Building Permit Activity Year to Date Report for July 2017

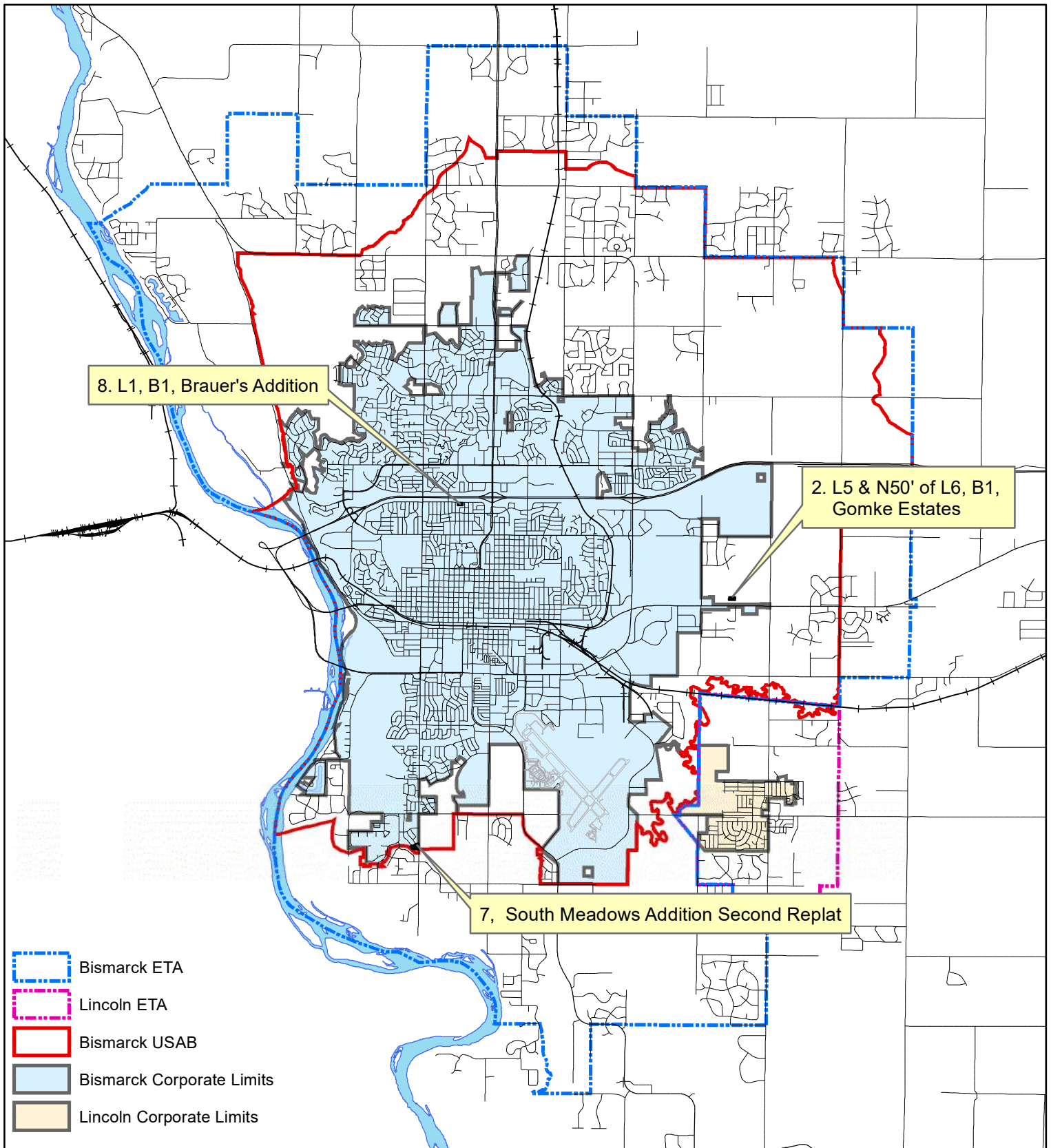
BISMARCK PLANNING AND ZONING COMMISSION PUBLIC HEARING PROCEDURE AND PROTOCOL

All public hearings before the Bismarck Planning and Zoning Commission will follow the same basic format. This outline has been prepared to help you understand the procedure and protocol.

1. The Chair of the Planning and Zoning Commission will introduce the item on the agenda and ask staff to present the staff report.
2. The Planner assigned to the file will present the staff report on the item. The presentation will be an overview of the written staff report included in the agenda packet, which is posted on the City's website by the end of the day on the Friday before the meeting.
3. The members of the Planning and Zoning Commission may ask staff questions about the request itself or staff's recommendation, but they will not discuss the request prior to obtaining input from the public.
4. The Chair of the Planning and Zoning Commission will then open the public hearing on the request and ask if anyone would like to speak to the Commission.
5. The applicant or his or her designated agent is usually given the courtesy of speaking first to outline the proposal and/or clarify any information presented by staff. The applicant may speak at this time or wait until others have spoken.
6. The public hearing is then opened to the public to voice their support, opposition or to ask questions about the proposal. Please write your name and address on the sign-in sheet, step up to the podium, speak clearly, state both your first and last names and your address, then your comments. Speaking over the microphone rather than directly into it will provide the best audio quality. Also, please avoid tapping or banging the podium, as the microphone amplifies the sound. Your comments as well as any materials distributed to the Planning and Zoning Commissioners at this time will be made part of the public record. If you would prefer to provide written materials to staff at the beginning of the meeting, we will distribute the materials to the Commission for you.
7. Please be respectful of the Planning and Zoning Commissioners, staff and others speaking on the request. Personal attacks against the applicant or others, clapping/cheering or booing speakers is not acceptable. Staff and the applicant will only respond to questions from the Planning and Zoning Commissioners, not questions directly from those speaking at the public hearing.
8. Everyone who wishes to speak will be given a chance to speak; however, at larger public hearings, the Chair may ask speakers to limit their time at the podium to five minutes, not repeat previous testimony/comments and only speak once. Members of the Planning and Zoning Commission may ask questions of those speaking, but may also listen and deliberate after the hearing is closed.
9. After everyone in the audience wishing to speak has given his or her comments, the Chair will close the public hearing portion of the meeting. No additional comments from the public are allowed after the hearing has been closed. At this point, the Chair will ask staff if they have any additional information or final comments.
10. The Planning and Zoning Commissioners will then discuss the proposal. They may ask staff or the applicant additional questions or for clarification of items stated during the public hearing. At the conclusion of the discussion, the Commission will make its recommendation or decision.

General Location Map

Planning & Zoning Commission Meeting - August 23, 2017



August 2017

0 4,000 8,000 16,000 Feet

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.





STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

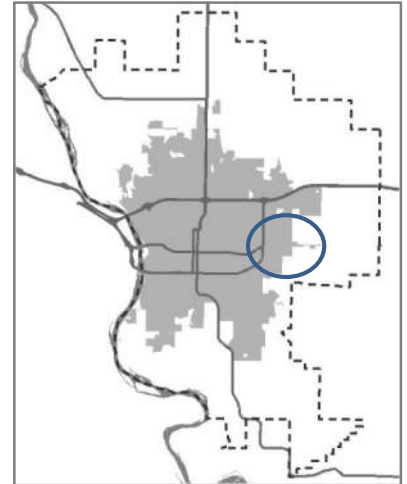
Agenda Item # 2
July 26, 2017

Application for: Zoning Change

TRAKiT Project ID: ZC2017-016

Project Summary

<i>Title:</i>	Lot 5 and the North 50 feet of Lot 6, Block 1, Gomke Estates
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Owner(s):</i>	Quality Title Accommodation Party I Inc.
<i>Project Contact:</i>	Ryan Deichert
<i>Location:</i>	East of Bismarck, between North 52 nd Street and North 66 th Street, north of East Main Avenue.
<i>Project Size:</i>	2.5 acres
<i>Request:</i>	Rezone property for a lot combination and the construction of a 4,800 square foot industrial building.



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	2 parcels	<i>Number of Lots:</i>	2 parcels
<i>Land Use:</i>	Residential	<i>Land Use:</i>	Undeveloped
<i>Designated GMP</i>	Industrial	<i>Designated GMP</i>	Industrial
<i>Future Land Use:</i>		<i>Future Land Use:</i>	
<i>Zoning:</i>	CA – Commercial MA – Industrial	<i>Zoning:</i>	MA – Industrial
<i>Uses Allowed:</i>	CA – Neighborhood commercial MA – Light industrial, general commercial, warehouses, manufacturing and shop condos	<i>Uses Allowed:</i>	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos
<i>Max Density Allowed:</i>	CA – 30 units / acre MA – N/A	<i>Max Density Allowed:</i>	MA – N/A

Property History

<i>Zoned:</i>	09/1977 (Lot 5) 07/1998 (N 50' of Lot 6)	<i>Platted:</i>	09/1986	<i>Annexed:</i>	N/A
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Staff Analysis

The applicant owns 6 lots within Gomke Estates, and resides in a single-family dwelling north of the proposed zoning change. Lots 1, 2, 3, and 4 are zoned RR – Residential and, in addition to the single-family dwelling on Lot 4, there are a number of rural residential accessory buildings located throughout the lots owned by the applicant.



The proposed zoning change is being requested to allow for the combination of Lot 5, zoned CA – Commercial and the North 50 feet of Lot 6, zoned MA – Industrial and the construction of a 4,800 square foot industrial building on the combined parcel. Lots cannot be combined if located in different zoning districts.

The Future Land Use Plan in the 2014 Growth Management Plan, as amended, identifies this area as industrial. Based on the proposed uses for the building a zoning change from the CA – Commercial and MA –

Industrial zoning districts to the MA – Industrial zoning district conforms to this plan.

Required Findings of Fact (relating to land use)

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck, Burleigh County and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The Gibbs Township Board of Supervisors has recommended approval of the proposed zoning change;
5. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
6. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
7. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
9. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing on the zoning change for Lot 5 and the North 50 feet of Lot 6, Block 1, Gomke Estates from the CA – Commercial and MA – Industrial zoning districts to the MA – Industrial zoning district.

Attachments

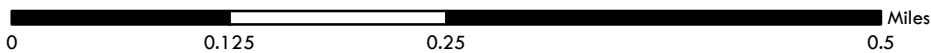
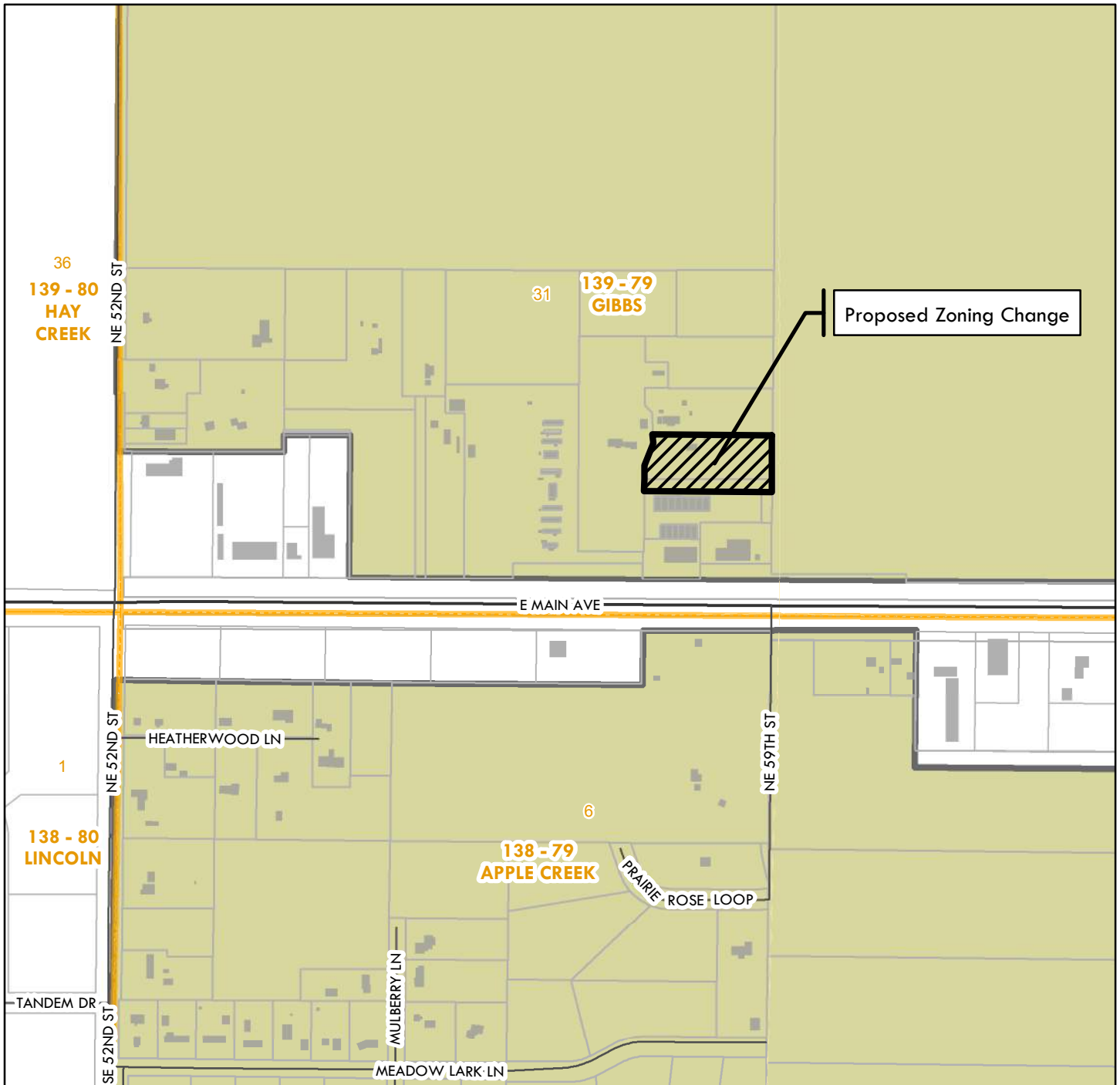
1. Location Map
 2. Zoning and Plan Reference Map
 3. Township Resolution
-

Staff report prepared by: Jenny Wollmuth, AICP, CFM
701-355-1845 | jwollmuth@bismarcknd.gov



Proposed Zoning Change (CA to MA)
Lot 5 and the North 50 feet of Lot 6, Block 1, Gomke Estates

Project
Location Map



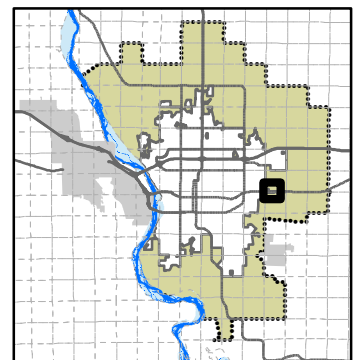
City Limits Bismarck ETA Jurisdiction

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
August 17, 2017 (HLB)

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Proposed Zoning Change (CA and MA to MA)

Lot 5 and the North 50 feet of Lot 6, Gomke Estates

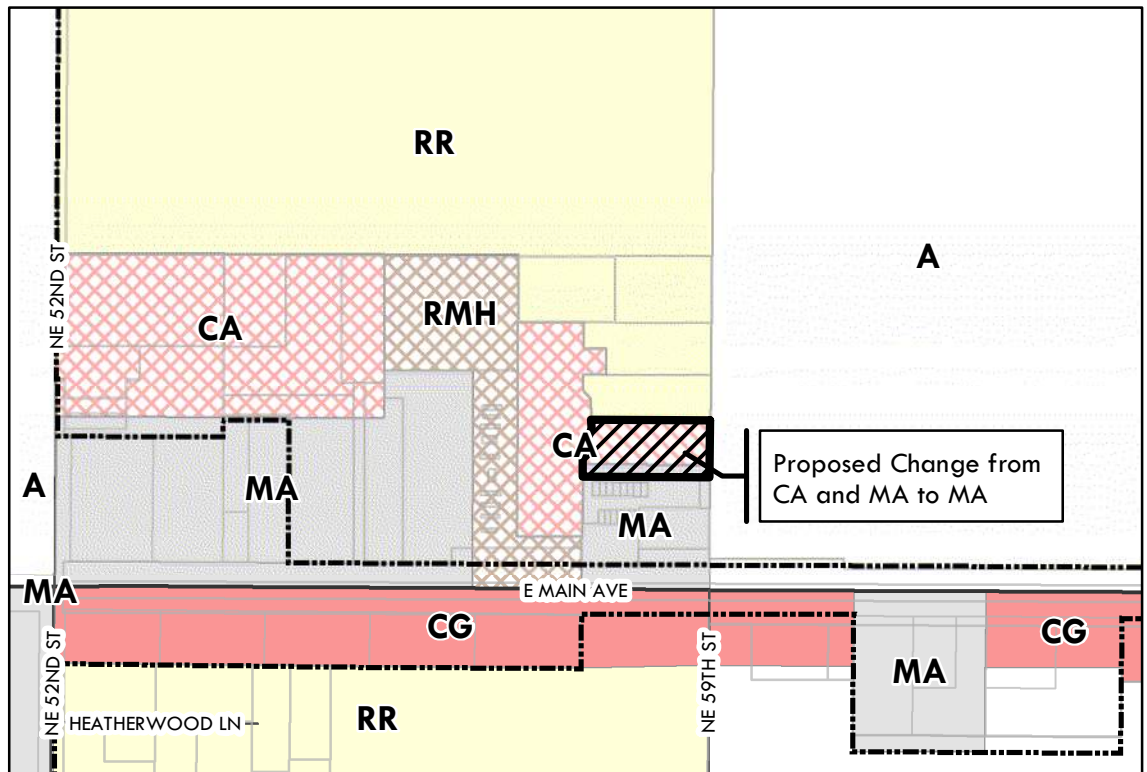
Zoning and Plan
Reference Map

-  Project Area - No Change Proposed
-  Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

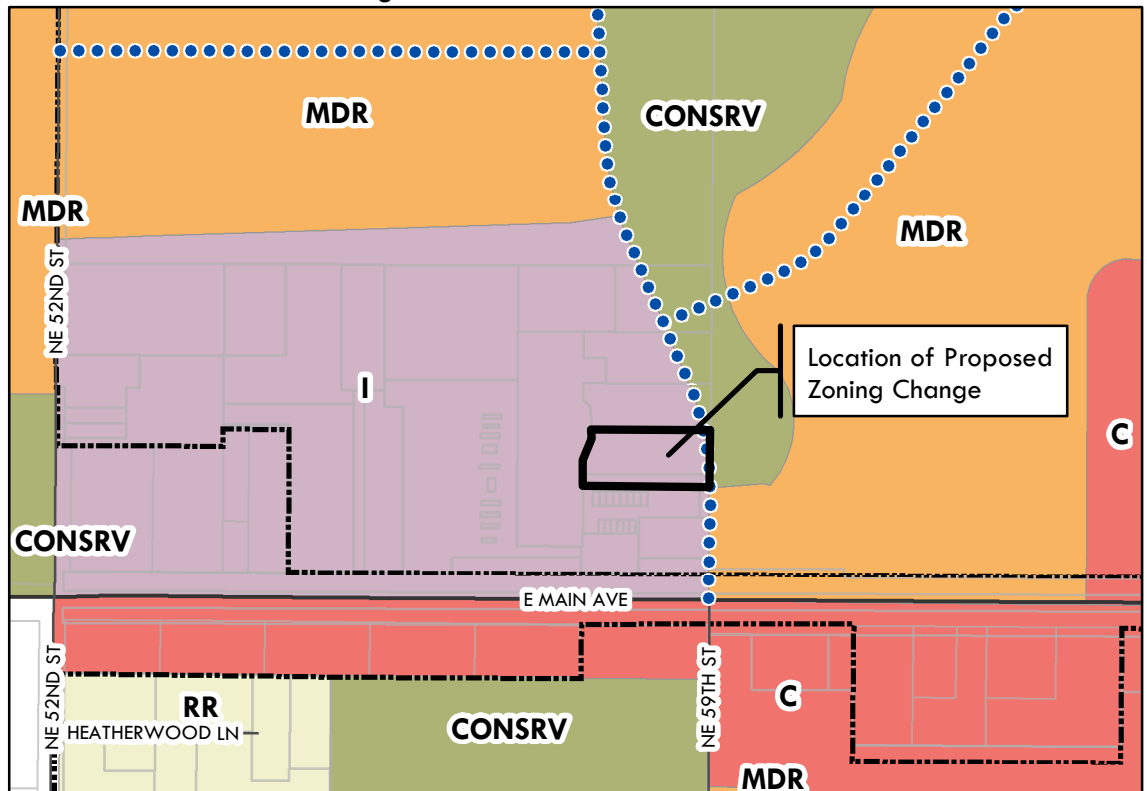
Zoning Map



Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Future Land Use Plan and Fringe Area Road Master Plan



Fringe Area Road Master Plan

- ● ● Planned Arterial
- ● ● Planned Collector

0 0.1 0.2 0.4 Miles

 City Limits

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development Dept.
Planning Division
August 16, 2017

RESOLUTION

WE, THE BOARD OF TOWNSHIP SUPERVISORS OF GIBBS TOWNSHIP,
BURLEIGH COUNTY, NORTH DAKOTA, HAVE BEEN ADVISED OF THE
PROPOSED ZONING CHANGE FOR LOT 5, BLOCK 1, GOMKE ESTATES AND
HEREBY RECOMMEND TO THE BOARD OF CITY COMMISSIONERS THAT
SAID ZONING CHANGE BE (APPROVED)(DENIED).
(PLEASE ATTACH CONDITIONS, IF ANY, TO THE BOARD'S ACTION.)

IF THE TOWNSHIP IS RECOMMENDING DENIAL, PLEASE LIST THE REASONS:



CHAIRMAN, TOWNSHIP BOARD



ATTEST: TOWNSHIP CLERK

8/7/2017



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 3

August 23, 2017

Application for: Zoning Ordinance Text Amendment

TRAKiT Project ID: ZOTA2017-007

Project Summary

Title:	Contextual Residential Front Yard Setbacks
Status:	Planning & Zoning Commission – Consideration
Project Contact:	Daniel Nairn, AICP, Planner
Sections Amended:	Sections 14-04-03 (R5 Residential Zoning District), 14-04-05 (RMH Residential Zoning District), 14-04-06 (R10 Residential Zoning District), and 14-04-07 (RM Residential Zoning District)
Request:	Amend the zoning ordinance to apply front yard setbacks in developed residential areas that are based on measurements taken from surrounding properties.

Staff Analysis

The Community Development Department is initiating a zoning ordinance text amendment to provide an alternative means for measuring front yard setbacks in areas that are already largely developed.

The 2016 Infill and Redevelopment Plan, adopted by the Planning and Zoning Commission in November 2016 and the Board of City Commissions in February of 2017, included this revision as an implementation strategy:

Implementation Strategy #1: Amend the Zoning Ordinance to allow front, side, and rear yard setbacks for new infill construction and additions to match the existing setbacks of neighboring buildings on the street based on a formula stipulated in the Zoning Ordinance.

Although future revisions to side and rear yard setbacks may be proposed, this amendment only applies to front yard setbacks.

Application of Contextual Setbacks

The alternative means for measuring setbacks would only apply in predominantly residential districts: R5, RMH, R10, and RM. Currently, all front yards in each of these zoning districts must be at least 25 feet, with the exception of the RMH Residential zoning district, which

requires manufactured homes to be no greater than 20 feet from the property line. The only exception available, even in neighborhoods that are already broadly non-conforming, is to seek a variance from the Board of Adjustment.

As proposed, contextual setbacks would only apply to areas that were platted prior to 1979. This includes most of the central and older neighborhoods of Bismarck. The date was selected because this is when all side of a lot facing the street began to be considered front yards. Previously, a shorter side yard setback could be adjacent to the street. Most areas platted after 1979 conform to the current setback requirements.

Calculation of the Setback

Where applicable, the front yard setback is based on six nearby “reference lots,” which are chosen based on the following rules:

1. Reference lots are the three closest lots on either side of a subject lot.
2. Reference lots are on the same side of the same street.
3. Reference lots must contain a residential structure to measure.

(continued)

4. Local streets can be crossed, but not collector or arterial streets
5. Reference lots must be in the same zoning district.
6. If three reference lots cannot be selected from one side, they are added to the other side.

Once the reference lots are determined, the front yard setback to the same street is measured for each one. The required setback for the subject lot is the median (the middle of the series) of the reference lots, plus or minus three feet. However, the building may not be set back closer than the closest of the six or further than the furthest of the six. A set of reference illustrations is attached.

There is an exception for garages. To prevent cars from parking across a sidewalk, all faces of garages must be set back at least 20 feet, regardless of the measurements from surrounding properties. This applies to attached or detached garages. This is the amount of space required to park a vehicle in front of the garage without crossing the public sidewalk.

Possible Outcomes of Contextual Setbacks

The intention of this ordinance is to find a reasonable setback that is truly based on the neighborhood context and determined objectively in a way that can be easily administered by staff.

Contextual setbacks may be used for new infill construction or it may also apply in situations where an occupant of an existing non-conforming residence applies for a building permit to alter or construct and addition to the residence. It should be noted that the existing ordinance allows certain encroachments into the front yard, such as porches and low uncovered decks. These allowances would still be in effect.

The intent is also to reduce the need for variances in such cases that the proposal is clearly aligned with

other setbacks in the neighborhood. In these cases, the variance process may only impose unnecessary cost and unpredictability on appropriate infill projects and reinvestment in older homes.

Required Findings of Fact (relating to land use)

1. The proposed text amendment would not adversely affect the public health, safety or general welfare;
2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance;
3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance; and
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning ordinance text amendment of Sections 14-04-03 (R5 Residential Zoning District), 14-04-05 (RMH Residential Zoning District), 14-04-06 (R10 Residential Zoning District), and 14-04-07 (RM Residential Zoning District) of the City Code of Ordinances, relating to contextual residential front yard setbacks, as outlined in the attached draft ordinance.

Attachments

1. Draft zoning ordinance amendment
2. Map of application area
3. Illustrations of setback examples

CITY OF BISMARCK

Ordinance No. XXXX

First Reading _____

Second Reading _____

Final Passage and Adoption _____

Publication Date _____

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-04-03, 14-04-05, 14-04-06, AND 14-04-07 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO SETBACKS IN DEVELOPED AREAS OF RESIDENTIAL ZONING DISTRICTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-04-03 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the R5 Residential Zoning District is hereby amended and re-enacted to read as follows:

14-04-03. R5 Residential District. In any R5 residential district the following regulations shall apply:

* * * * *

7. **Front yard**. Each lot or parcel shall have a front yard for principal or accessory structures not less than twenty-five (25) feet in depth, provided, however, that on a record lot corresponding to a plat recorded prior to 1979, the following setback standards apply:

a. **Reference Lots**. A sample of reference lots in the vicinity of the proposed activity are used as the basis for front yard setbacks. Reference lots shall be selected as follows:

1) Reference lots are the three (3) closest adjacent lots or parcels on either side of the proposed activity, for a total of six (6) reference lots.

2) Reference lots are on the same side of the same street.

3) Reference lots contain residential structures, irrespective of the orientation of the structure. Vacant lots or lots with non-residential structures are skipped over for the next closest lot or parcel.

4) Reference lots may be selected across local streets, but may not be selected across collector or arterial streets.

5) Reference lots must be in the same zoning district as the proposed activity.

6) If three (3) lots or parcels that comply with the rules of this section are not available on any side, a corresponding number of lots or parcels are selected on the opposite side of the proposed activity, so that a total number of six (6) reference lots are selected.

7) The zoning administrator may adjust the number of reference lots, if necessary to determine a sample representative of the context.

b. Contextual Setback. The required front yard for principal or accessory structures shall be the median of all existing front yards measured from reference lots, plus or minus three (3) feet, but no less than the shortest front yard setback or more than the longest front yard setback measured from all reference lots.

c. Garage Exception. Notwithstanding the requirements of this section, no front face of a garage or vehicle storage unit shall be closer than twenty (20) feet from a right-of-way line to allow an additional parking spot in front of the garage without encroaching into the right-of-way.

* * * * *

Section 2. Amendment. Section 14-04-05 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the RMH Residential Zoning District is hereby amended and re-enacted to read as follows:

14-04-05. RMH Residential District.

* * * * *

3. Development Standards

* * * * *

f. Setbacks. Lot development shall observe the following setbacks:

1. **Front Yard.** No manufactured home or any other legal attachments to said dwelling or any accessory structures shall be located less than twenty (20) feet from the front lot line, measured back from the sidewalk or walkway, provided, however, that on a record lot corresponding to a plat recorded prior to 1979, the following setback standards apply:

a. **Reference Lots.** A sample of reference lots in the vicinity of the proposed activity are used as the basis for front yard setbacks. Reference lots shall be selected as follows:

1) Reference lots are the three (3) closest adjacent manufactured homes on either side of the proposed activity, for a total of six (6) reference lots.

2) Reference lots are on the same side of the same street.

3) Vacant lots or lots with non-residential structures are skipped over for the next closest lot or parcel.

4) Reference lots may be selected across local streets, but may not be selected across collector or arterial streets.

5) Reference lots must be in the same zoning district as the proposed activity.

6) If three (3) lots or parcels that comply with the rules of this section are not available on any side, a corresponding number of lots or parcels are selected on the opposite side of the proposed activity, so that a total number of six (6) reference lots are selected.

7) The zoning administrator may adjust the number of reference lots, if necessary to determine a sample representative of the context.

b. Contextual Setback. The required front yard for principal or accessory structures shall be the median of all existing front yards measured from reference lots, plus or minus three (3) feet, but no less than the shortest front yard setback or more than the longest front yard setback measured from all reference lots.

c. Garage Exception. Notwithstanding the requirements of this section, no front face of a garage or vehicle storage unit shall be closer than twenty (20) feet from a right-of-way line to allow an additional parking spot in front of the garage without encroaching into the right-of-way.

2. Side Yard and Spacing. No manufactured home or any other legal attachments to said dwelling or accessory structure shall be located less than ~~or~~ six (6) feet from the side lot line measured back from the walkway or sidewalk. ~~No building on a corner lot shall have a side yard on the side street less than twenty (20) feet in width measured back from the walkway or sidewalk. Manufactured homes on corner lots shall follow front yard setbacks from all streets.~~ Side yard measurements are to be taken at right angles to the building at the closest points to a property line. Detached accessory buildings shall be located not less than five (5) feet from the side or rear lot lines. The ends of the manufactured homes shall be at least twelve (12) feet apart. ~~No portion of a manufactured home, or attachment thereto, or any~~

~~other structure in nonconforming manufactured home parks shall be located less than fifteen (15) feet away from any property line adjacent to a public right-of-way.~~

Section 3. Amendment. Section 14-04-06 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the R10 Residential Zoning District is hereby amended and re-enacted to read as follows:

14-04-06. R10 Residential District. In any R10 residential district the following regulations shall apply:

2. Uses permitted. The following uses are permitted:

* * * * *

e. Row house. Attached single-family dwelling in groups of two (2).

* * * * *

~~Depth of front yard in feet--not less than 25 feet;~~

* * * * *

7. **Front yard.** Each lot or parcel shall have a front yard for principal or accessory structures not less than twenty-five (25) feet in depth, provided, however, that on a record lot corresponding to a plat recorded prior to 1979, the following setback standards apply:

a. **Reference Lots.** A sample of reference lots in the vicinity of the proposed activity are used as the basis for front yard setbacks. Reference lots shall be selected as follows:

1) Reference lots are the three (3) closest adjacent lots or parcels on either side of the proposed activity, for a total of six (6) reference lots.

2) Reference lots are on the same side of the same street.

3) Reference lots contain residential structures, irrespective of the orientation of the

structure. Vacant lots or lots with non-residential structures are skipped over for the next closest lot or parcel.

4) Reference lots may be selected across local streets, but may not be selected across collector or arterial streets.

5) Reference lots must be in the same zoning district as the proposed activity.

6) If three (3) lots or parcels that comply with the rules of this section are not available on any side, a corresponding number of lots or parcels are selected on the opposite side of the proposed activity, so that a total number of six (6) reference lots are selected.

7) The zoning administrator may adjust the number of reference lots, if necessary to determine a sample representative of the context.

b. Contextual Setback. The required front yard for principal or accessory structures shall be the median of all existing front yards measured from reference lots, plus or minus three (3) feet, but no less than the shortest front yard setback or more than the longest front yard setback measured from all reference lots.

c. Garage Exception. Notwithstanding the requirements of this section, no front face of a garage or vehicle storage unit shall be closer than twenty (20) feet from a right-of-way line to allow an additional parking spot in front of the garage without encroaching into the right-of-way.

* * * * *

Section 4. Amendment. Section 14-04-07 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the RM Residential Zoning District is hereby amended and re-enacted to read as follows:

14-04-07. RM Residential District. In any RM residential district the following regulations shall apply:

* * * * *

2. Uses permitted. The following uses are permitted:

* * * * *

e. Row house. Attached single-family dwelling in groups of not more than eight (8) or less than three (3) dwelling units in one building, or in groups of not more than eight (8) or less than two (2) dwelling units when constructed as part of an overall row house development with at least three (3) buildings.

* * * * *

	Interior	End	Corners
Lot area in square feet	2,300	3,220	3,795
Lot width of front building line in feet	20	28	33
Depth of lot in front	115	115	115
Depth of front yard in feet	25	25	25
Width of side yard in feet		10	25
Depth of rear yard in feet	20	20	20

* * * * *

7. **Front yard.** Each lot or parcel shall have a front yard for principal or accessory structures not less than twenty-five (25) feet in depth, provided, however, that on a record lot corresponding to a plat recorded prior to 1979, the following setback standards apply:

a. **Reference Lots.** A sample of reference lots in the vicinity of the proposed activity are used as the basis for front yard setbacks. Reference lots shall be selected as follows:

1) Reference lots are the three (3) closest adjacent lots or parcels on either side of the proposed activity, for a total of six (6) reference lots.

2) Reference lots are on the same side of the same street.

3) Reference lots contain residential structures, irrespective of the orientation of the structure. Vacant lots or lots with non-residential structures are skipped over for the next closest lot or parcel.

4) Reference lots may be selected across local streets, but may not be selected across collector or arterial streets.

5) Reference lots must be in the same zoning district as the proposed activity.

6) If three (3) lots or parcels that comply with the rules of this section are not available on any side, a corresponding number of lots or parcels are selected on the opposite side of the proposed activity, so that a total number of six (6) reference lots are selected.

7) The zoning administrator may adjust the number of reference lots, if necessary to determine a sample representative of the context.

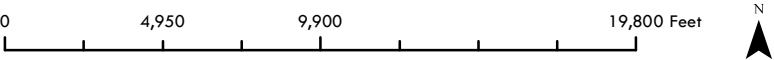
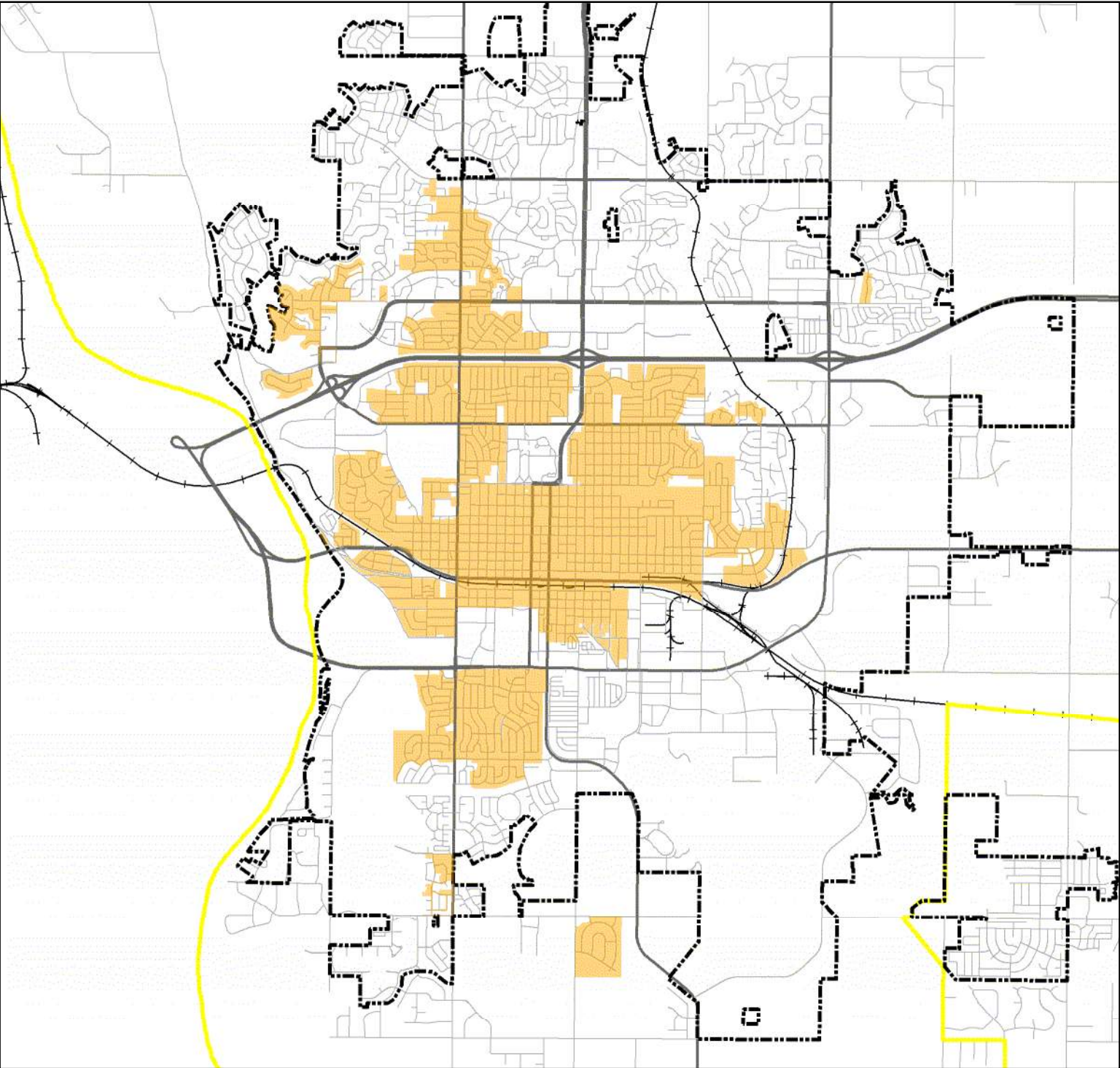
b. Contextual Setback. The required front yard for principal or accessory structures shall be the median of all existing front yards measured from reference lots, plus or minus three (3) feet, but no less than the shortest front yard setback or more than the longest front yard setback measured from all reference lots.

c. Garage Exception. Notwithstanding the requirements of this section, no front face of a garage or vehicle storage unit shall be closer than twenty (20) feet from a right-of-way line to allow an additional parking spot in front of the garage without encroaching into the right-of-way.

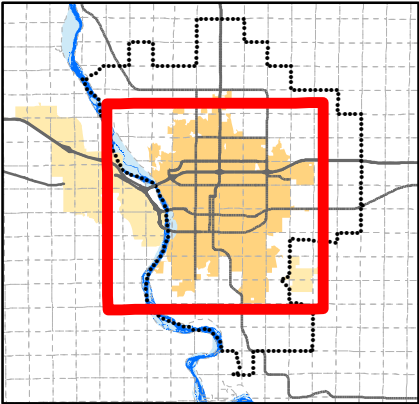
Section 5. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. Effective Date. This ordinance shall take effect following final passage, adoption and publication.

DRAFT



 Platted 1978 or earlier and includes R5, RMH, R10, or RM zoning districts



Contextual Residential Setback Illustrations

Example

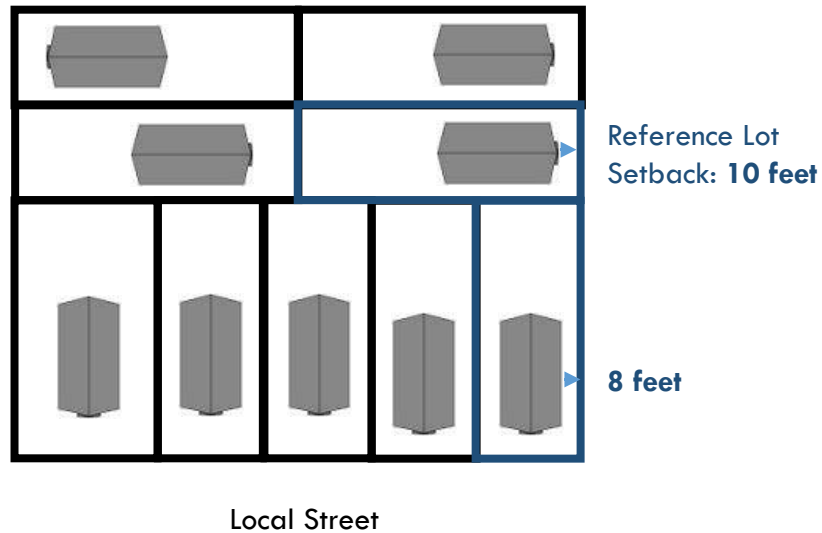
1

An Interior Lot near a Local Street

Rules for Selecting Reference Lots

- 1) Three closest lots on either side of subject lot
- 2) On the same side of the same street.
- 3) Must contain a residential structure
- 4) Local streets can be crossed, but not collector or arterial streets
- 5) In the same zoning district

Required setback is the median of reference lots +/- 3 feet, but not closer than the smallest setback or further than the longest setback.



Results

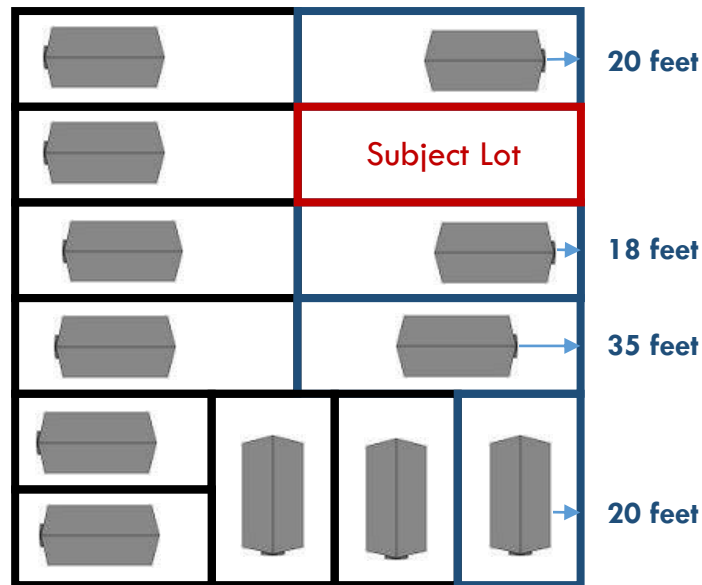
Median = 19'

Minimum = 8'

Maximum = 35'

Required Setback

16' – 22'



Contextual Residential Setback Illustrations

Example

2

An Interior Lot Near a Major Street

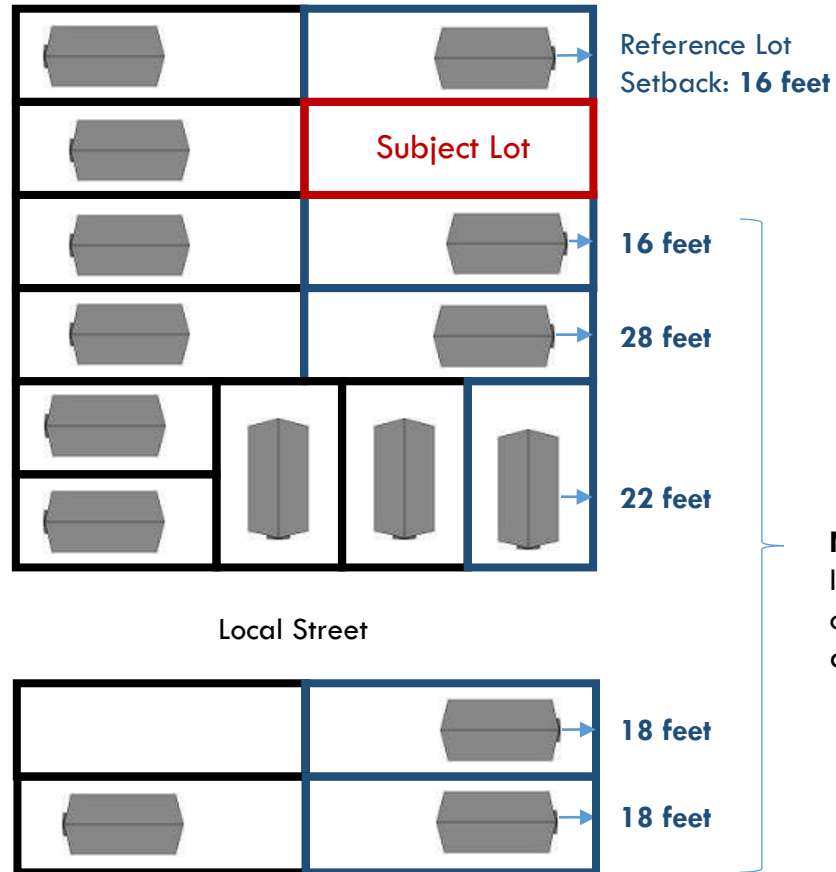


Arterial or Collector Street (reference lots do not cross)

Rules for Selecting Reference Lots

- 1) Three closest lots on either side of subject lot
- 2) On the same side of the same street.
- 3) Must contain a residential structure
- 4) Local streets can be crossed, but not collector or arterial streets
- 5) In the same zoning district

Required setback is the median of reference lots +/- 3 feet, but not closer than the smallest setback or further than the longest setback.



Results

Median = 18'
Minimum = 16'
Maximum = 28'

Required Setback

16' – 21'

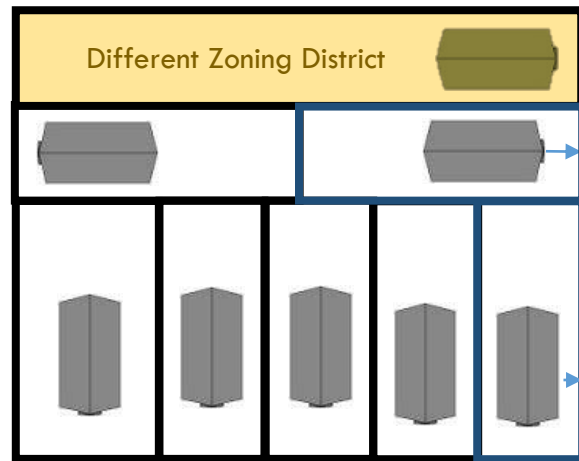
Note: If three reference lots cannot be selected on one side, they are added to the other side.

Contextual Residential Setback Illustrations

Example

3

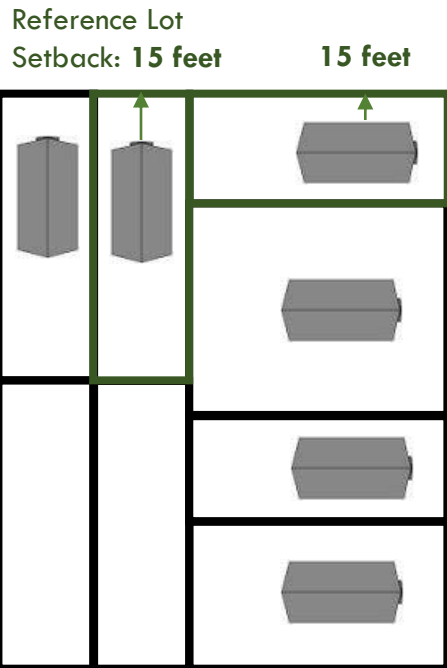
A Corner Lot near a Different Zoning District.



Note: Reference lots must be in the same zoning district

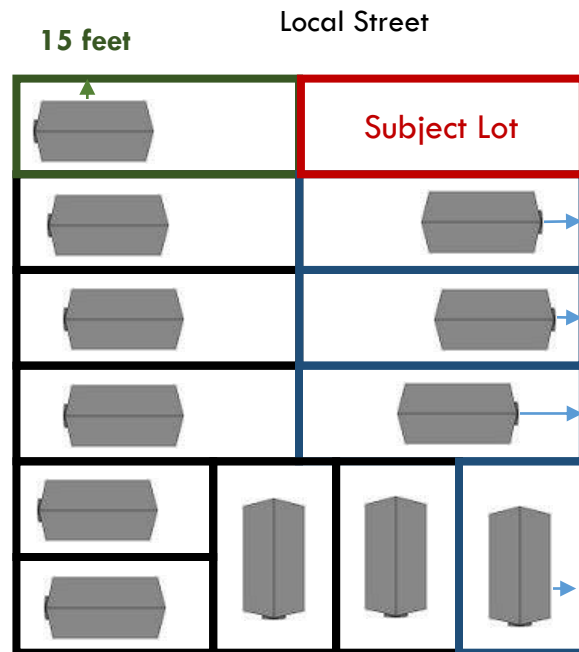
Reference Lot
Setback: **20 feet**

8 feet



Reference Lot
Setback: **15 feet**

15 feet



15 feet

Local Street

Subject Lot

Local Street

20 feet

18 feet

35 feet

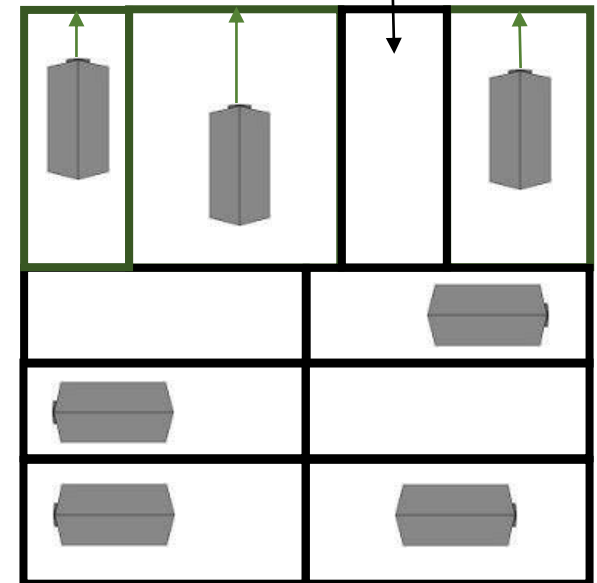
12 feet

15 feet

30 feet

20 feet

Note:
Vacant lot
is skipped



East-West Street Median = 15' Min = 15' Max = 30'
Required Setback = 15' – 18'

North-South Street Median = 19' Min = 8' Max = 35'
Required Setback = 16' – 22'



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 4

August 23, 2017

Application for: Zoning Ordinance Text Amendment

TRAKiT Project ID: ZOTA2017-008

Project Summary

Title:	Adjustments to Size Requirements for Off-Premise Advertising Signs
Status:	Planning & Zoning Commission – Consideration
Project Contact:	Daniel Nairn, AICP, Planner
Sections Amended:	Section 14-03-08 (Special Uses)
Request:	Increase the allowable width and reduce the required maximum and minimum sizes for off-premise advertising signs.

Staff Analysis

The Community Development Department is initiating a zoning ordinance text amendment of three adjustments to the size requirements for new off-premise advertising signs to better align with new industry sizing standards for digital billboards.

The following chart compares the current and proposed size requirements:

	Existing (Square Feet)	Proposed (Square Feet)
Maximum Size	400	300
Minimum Size	280	200
Maximum Width	25	30
Maximum Height	16	16

These size requirements apply to all areas except along Interstate 94 and portions of Bismarck Expressway where larger signs are permitted.

The reason for the proposed amendment is that the current size requirements allow a fairly small window of possible sizes, and most industry standard sizes for digital signs are either too small or too wide to be permitted. Because digital advertisements are generally created in a certain aspect ratio, it can be

difficult to adapt an advertisement to a sign size it was not intended for.

The following industry standard digital billboard sizes have been provided by the two companies that sell in our region. The sizing is annotated with the actual square footage of the sign area for zoning purposes:

Market Size (Feet)	Sign Area (Square Feet)	Permitted (existing)	Permitted (proposed)
12x24	288	Yes	Yes
14x48	672		
15x48	720		
10.5x35	367.5		
10.5x36	378		
10x30	300		Yes
14x28	392		
10x20	200		Yes
11x22	242		Yes
11x23	253		Yes
17x59	1003		
20x60	1200		

(continued)

The proposed changes would allow a greater degree of flexibility in terms of the width of signs without compromising the intent of the ordinance. The reduction of the minimum size from 280 to 200 will allow three smaller industry-standard sizes that may be more appropriate for certain locations.

The total allowable area is proposed to be reduced from 400 square feet per sign to 300 square feet per sign. The size requirements are comparable to other peer communities. For example, the City of Fargo also imposes a 300 square foot maximum in similar situations.

Required Findings of Fact (relating to land use)

1. The proposed text amendment would not adversely affect the public health, safety or general welfare;
2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision

that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance;

3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance; and
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning ordinance text amendment of Section 14-03-08 (Special uses) of the City Code of Ordinances, relating to the size requirements for off-premise advertising signs, as outlined in the attached draft ordinance.

Attachments

1. Draft zoning ordinance amendment

Staff report prepared by: Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.gov

CITY OF BISMARCK

Ordinance No. XXXX

First Reading _____

Second Reading _____

Final Passage and Adoption _____

Publication Date _____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-08 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO SPECIAL USES AND SIZE REQUIREMENTS FOR OFF-PREMISE ADVERTISING SIGNS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-08 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Special Uses is hereby amended and re-enacted to read as follows:

14-03-08. Special Uses. In order to carry out the purposes of this title, the board of city commissioners finds it necessary to require that certain uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, be reviewed by the city planning and zoning commission and by the Zoning Administrator (where allowed) prior to the granting of a building permit or certificate of occupancy and that the city planning and zoning commission and the Zoning Administrator (where allowed) are hereby given limited discretionary powers relating to the granting of such permit or certificate.

* * * * *

3. Permanent uses (administrative approval). The Zoning Administrator may issue special use permits for the following uses without a public hearing or approval of the city planning and zoning commission:

* * * * *

b. Off-Premise Advertising Sign: Off-Premise Advertising Signs may be permitted in any CG, MA, or MB district as an administrative special use provided:

* * * * *

2. A site plan is submitted showing the overall dimensions of the sign, the location of the sign and any appurtenant features. The site plan shall be accompanied by a narrative description of operational elements of the sign including illumination and any electronic functions. The site plan must verify that all the following criteria in this section have been met:

* * * * *

e. Each sign face may not exceed three hundred (300) ~~four hundred (400)~~ square feet in area, sixteen (16) feet in height or thirty (30) ~~twenty (25)~~ feet in width, with the exception of off-premise advertising signs oriented toward Interstate 94 (not business loop) or Bismarck Expressway east of the intersection with Airport Road, which may not exceed six hundred and seventy two (672) square feet in area, sixteen (16) feet in height or fifty (50) feet in width. In addition, no off-premise advertising sign face may be less than two hundred (200) ~~two hundred and eighty (280)~~ square feet in area.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date. This ordinance shall take effect following final passage, adoption and publication.



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 5

August 23, 2017

Application for: Zoning Ordinance Text Amendment

TRAKiT Project ID: ZOTA2017-004

Project Summary

Title:	Regulations Governing the Subdivision of Land – Definitions, Procedures and Improvements
Status:	Planning & Zoning Commission – Consideration
Project Contact:	Kim L. Lee, AICP, Planning Manager
Sections Amended:	Sections 14-09-03 (Definitions), 14-09-04 (Procedure) and 14-09-06 (Improvements)
Request:	Amend the Zoning Ordinance to modify definitions and clarify both procedure and improvements sections of the subdivision regulations.

Staff Analysis

With the impending acceptance of the updated Storm Water Design Standards Manual and the approval of the related amendments to Title 14.1 (Stormwater Management), changes will also be needed in the Procedure section of the Chapter 14-09 (Regulations Governing the Subdivision of Land) so that all provisions continue to work together.

Since this chapter needed to be amended at this time, staff took the opportunity to make additional modifications that are needed. The changes to the definitions section takes regulatory language out of the definitions; the changes to the procedure section move subsections into a more logical order, makes the language of subsections parallel in construction, and updates the requirements to bring them in line with current practice. The changes to the improvements updates the subsection to reflect current practices.

Required Findings of Fact (relating to land use)

1. The proposed text amendment would not adversely affect the public health, safety or general welfare;

2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance;
3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance; and
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning ordinance text amendment for Sections 14-09-03 (Definitions), 14-09-04 (Procedure) and 14-09-06 (Improvements) of the City Code of Ordinances, as outlined in the attached draft ordinance.

Attachments

1. Draft zoning ordinance text amendment

Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov

CITY OF BISMARCK

Ordinance No. XXXX

First Reading _____

Second Reading _____

Final Passage and Adoption _____

Publication Date _____

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-09-03, 14-09-04 AND 14-09-06 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO REGULATIONS GOVERNING THE SUBDIVISION OF LAND, DEFINITIONS, PROCEDURE AND IMPROVMENTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-09-03 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Regulations Governing the Subdivision of Land/Definitions is hereby amended and re-enacted to read as follows:

14-09-03. Definitions. The following definitions represent the meanings of terms as they are used in these regulations:

* * * * *

(Rearrange definitions to be in alphabetical order)

Subdivision Plat, Minor: A subdivision, platted pursuant to Chapter 40-50 NDCC, that ~~meets all of the following criteria:~~ is part of a previously platted subdivision and does not include the dedication of new public rights-of-way.

a. ~~Does not require the dedication of public rights-of-way or the construction of new streets;~~

b. ~~Does not create any public improvements other than sidewalks;~~

~~e. Does not land lock or otherwise impair convenient ingress and egress to or from the rear or side of the subject tract or any adjacent property;~~

~~d. Does not violate any local, state or federally adopted law, ordinance, regulation, plan or policy;~~

~~e. Is part of a previously platted subdivision.~~

Subdivision Plat, Major: Any subdivision, platted pursuant to Chapter 40-50 NDCC, that does not meet the definition of a minor subdivision.

* * * * *

Lot Line Adjustment: An administrative adjustment of an existing previously platted lot line between two (2) adjoining lots or parcels by relocation of a common boundary. ~~that meets the following criteria:~~

~~a. Does not involve lots within more than one zoning classification;~~

~~b. Is not one lot line adjustment in a series of lot line adjustments proposed for contiguous lots as a way to circumvent the minor subdivision plat process.~~

~~c. Both of the resulting parcels conform to the minimum lot area, width and depth for the zoning district in which the property is located, or will when combined with an adjacent parcel as part of the same lot modification action;~~

~~d. The resulting parcels can be legally described with no more than two (2) directional descriptors (e.g. the north 100 feet of the west 200 feet of Lot 1, Block 1, ABC Addition). For lot line adjustments between irregularly shaped parcels or to transfer an irregularly shaped portion of a lot to an adjacent land owner, the Director of Community Development may waive this requirement, provided the resulting parcels can be legally described as the original lot number combined with a letter (e.g. Lot 1 would become Lots 1A, 1B and 1C);~~

Lot Combination: A combination of two (2) or more previously platted lots or parcels into a single lot whose boundaries coincide with the lot lines shown on the

recorded plat of the subdivision. ~~that meets the following criteria:~~

~~a. Does not involve the vacation of existing easements;~~

~~b. does not involve lots within more than one zoning classification.~~

Lot Split: The division of a previously platted lot or parcel into not more than three (3) lots or parcels. ~~that meets the following criteria:~~

~~a. The lot split does not involve the creation of new utility easements;~~

~~b. The lot split does not require the dedication of public rights-of-way for the purpose of gaining access to the property;~~

~~c. All parcels conform to the minimum lot area, width and depth for the zoning district in which the property is located;~~

~~d. The resulting parcels can be legally described with no more than two (2) directional descriptors (e.g. the north 100 feet of the west 200 feet of Lot 1, Block 1, ABC Addition). For an irregularly-shaped lot, the Director of Community Development may waive this requirement, provided the resulting parcels can be legally described as the original lot number combined with a letter (e.g. Lot 1 would become Lots 1A, 1B and 1C), and provided that any line dividing the parcel along a common wall is a straight line from the front property line to the back property line among the common wall;~~

~~(e) The property has not previously been divided through the lot split provisions of this ordinance.~~

Lot Modification: A lot line adjustment, lot split or lot combination as defined herein.

(Ord. 4631, 08-30-94; Ord. 4735, 11-14-95; Ord. 5146, 12-18-01; Ord. 5279, 09-23-03; Ord. 5452, 08-23-05; Ord. 5539, 08-22-06; Ord. 5728, 05-26-09; Ord. 5819, 04-26-11)

Section 2. Amendment. Section 14-09-04 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Regulations

Governing the Subdivision of Land/Procedure is hereby amended and re-enacted to read as follows:

14-09-04. Procedure.

1. Preliminary steps: Pre-submittal Considerations for Major Subdivision Preliminary Plats and Minor Subdivision Final Plats.

a. Prior to preparing either a preliminary major subdivision plat or a minor subdivision plat for submittal, the applicant or applicant's consulting engineer shall complete a pre-submittal scoping sheet for a post-construction stormwater management permit and submit it to the City Engineer in accordance with the provisions of Chapter 14.1-04 of the Code of Ordinances (Stormwater Management/Post-Construction Stormwater Management Permit). If a waiver from the post-construction stormwater management permit requirement is being requested, such request must be approved by the City Engineer prior to requesting a pre-application meeting.

ab. Prior to preparing a subdivision plat for submittal, the applicant shall meet schedule a pre-application meeting with City and Park District staff to discuss the proposed plat, consistency of the plat with City and Park District policies and plans, the overall concept plan for the area, the extension of municipal utilities needed to service the plat (both route and funding expectations), compliance with the fringe area road master plan, the development of park and open spaces within the plat, any undevelopable land within or adjacent to the proposed plat, and any storm water management issues.

b. The subdivider should also consult with parties potentially interested with him or with the ultimate users of the development, such as mortgage, insurance and lending institutions, with a view to reaching at this stage a clear understanding of the part of the market demand that should be served, suitability of the location of the proposed subdivision, the most advantageous general plan or arrangement of streets, lots, and other features of the proposed development.

c. Prior to preparing a preliminary major subdivision plat for submittal, if the proposed plat is to include urban residential zoning, the applicant shall schedule a pre-application meeting with Bismarck Parks and Recreation District staff to discuss the proposed plat, consistency of the plat with Parks and Recreation District policies and plans, and the development of park and open spaces within the plat.

ed. It ~~will be~~ is the duty of the ~~planning and Zoning~~ Commission to discourage the subdividing of lands that are far in advance of the needs of the community; that by their location cannot be efficiently served by public utilities, fire protection, police protection or other municipal services; that are located in areas subject to flooding; that are located in areas that would adversely impact water quality and environmentally sensitive lands; that are topographically unsuitable for development; or that for any other reason are being unwisely or prematurely subdivided. It shall also be the duty of the planning commission to encourage the replatting of lands deemed to be unsatisfactorily subdivided or which represent an obstacle to the orderly and efficient growth of the city. It shall also be the duty of the planning commission to encourage the coordinated platting of adjacent parcels of land.

(The following subsection has been moved from #4 to #2)

42. ~~Tentative approval~~ Major Subdivision Plat - Preliminary Plat(Tentative Approval):

a. ~~The subdivider shall apply in writing An application for tentative approval of a major subdivision plat (preliminary plat) shall be submitted to the Director of Community Development for tentative approval of a major subdivision plat~~ by the specified application deadline and on the proper application form. All current owners of property within the plat shall sign or ratify the application form. (combine with next paragraph)

b. ~~The number of prints of the preliminary plat as indicated in the current application form shall be filed with the Director of Community Development at~~

~~the time application for tentative approval is made. The plat shall comply with the provisions of Section 14-09-07(1) of these regulations and The application shall be accompanied by:~~

i. The applicable fee;

ii. The number of paper prints as indicated in the current application form, prepared in compliance with the provisions of Section 14-09-07(1) of these regulations;

~~iii~~iii. An 8½ x 11 inch reduction of the plat;

~~iiii~~iv. A digital copy pdf of the full-size plat; and

v. A dwg file of the plat in accordance with the City's GIS submittal requirements; and

~~iv~~vi. A concept development plan showing the proposed location of roadways and a generalized lot layout for all adjacent land within ½ mile of the proposed plat that is owned by the applicant.

~~v.~~ A preliminary storm water management plan that includes:

~~a.~~ The proposed preliminary grading plan shown at contours as required to clearly indicate the relationship of the proposed changes to existing topography and remaining features;

~~b.~~ A preliminary drainage plan of the developed site delineating the direction and at what rate storm water runoff will be conveyed from the site and setting forth the areas of the site where storm water will be collected; and

~~c.~~ Any other information pertinent to the particular project which, in the opinion of the applicant, is necessary

~~for the preliminary review of the project.~~

~~vii.~~ A statement of intent to provide neighborhood park and open space, as shown on the plat, unless waived in writing by the Director of Parks and Recreation or unless the proposed plat does not include any urban residential zoning.

~~viii.~~ A copy of the completed scoping sheet for a post-construction stormwater management permit submitted to the City Engineer in accordance with the provisions of Chapter 14.1-04 of the Code of Ordinances (Stormwater Management/ Post-Construction Stormwater Management Permit) and approved by the City Engineer.

~~eb.~~ For a proposed subdivision plat ~~within or adjacent to the corporate limits that will be served by municipal utilities,~~ a preliminary utility servicing plan is also required. This preliminary utility servicing plan shall include:

- i. An accurate location map;
- ii. The proposed layout of lots and streets;
- iii. Topographic contours with a minimum contour interval of two (2) feet;
- iv. The location of any existing municipal utilities within or adjacent to the plat; and
- v. The proposed location and size of water and sanitary sewer mains within the subdivision, how these mains are proposed to connect to the existing utility systems, the incorporation of any City master-planned utilities, and any easements on adjacent property required to accommodate connections.

~~ec.~~ For proposed subdivision plats outside of the corporate limits, but within the Urban Service

Area Boundary, the following profiles for roads/streets are also required:

- i. Three profiles of existing ground elevation; one at centerline and one on each side of the right-of-way, fifty feet beyond the right-of-way lines, and
- ii. Two centerline profiles of proposed design elevations; one for a rural road section and another for a future urban street section design.

~~ed.~~ For proposed subdivision plats within two-miles of the corporate limits, the source of water (either city or rural) shall be identified. If the subdivision is to be served by South Central Regional Water District ~~a formal request from South Central Regional Water District to service the subdivision shall be submitted in conjunction with the request for tentative approval. Said request shall include a statement indicating that all rural water service lines installed by or on behalf of South Central Regional Water District will be installed to City specifications, a rural water agreement will be required as part of the platting process.~~ The City Engineer, in consultation with the Director of Public Works - Utility Operations, ~~shall~~ will review the request and make a determination as to whether or not South Central Regional Water District service will be allowed and the appropriate term for the rural water agreement.

~~fe.~~ All areas proposed for development shall be platted to the edge of the property with all undevelopable land included within the plat (subject to discussion and agreement ~~by~~ between the landowner and the City).

- i. Land determined by the owner and City to be undevelopable and/or needed for stormwater purposes shall be:
 - a. Included in adjoining platted lot(s) as either a stormwater and drainage easement or a slope protection easement that is privately owned, ~~with only~~

~~major maintenance by City and maintained.~~ The amount of property taxes and special assessments for these areas will be determined by the City based on the level of benefit and the value of the land; or

b. Platted as a separate lot(s) that is owned and maintained by the City, as a regional stormwater conveyance or detention facility; or

~~e. Platted as a separate lot(s) that is owned and maintained by the Bismarck Parks and Recreation District (subject to their agreement) as a natural area; or~~

~~dc.~~ Platted as a separate lot(s) that is owned and maintained by the Bismarck Parks and Recreation District, (subject to their agreement) and including a City-maintained stormwater easement; or

~~ed.~~ Any combination of the above options.

Undevelopable land ~~will~~ shall be maintained as a natural area unless a stormwater and drainage easement is present and the easement requires major maintenance. Major maintenance shall include maintenance of existing structures, mowing below floodplain elevation, cleaning of sediment and maintenance of access.

~~ef.~~ After receipt of a complete application for tentative approval of a major subdivision preliminary plat, the plat shall be scheduled for review. Upon completion of the review by staff and compliance with all requirements, the Director of Community Development shall schedule the plat for consideration by the Planning and Zoning Commission. The Planning and Zoning Commission shall approve, approve conditionally, table or disapprove such preliminary major subdivision preliminary plat. If approved with modification or waiver of certain requirements by the ~~P~~Planning and Zoning ~~e~~Commission, the reasons therefore shall be specified. If approved

conditionally, the conditions and reasons therefore shall be specified. In any conditional approval, the Planning and Zoning Commission may require the subdivider property owner to submit a revised preliminary major subdivision preliminary plat. If disapproved, the reasons for that action shall be stated, and if possible, the Planning and Zoning Commission shall make recommendations on the basis of which the proposed subdivision may be approved.

hg. The action of the Planning and Zoning Commission shall be entered on the official records of the Planning and Zoning Commission, including any conditions imposed and the reasons for any disapproval of a preliminary major subdivision preliminary plat.

ih. Tentative approval of a preliminary major subdivision preliminary plat by the Planning and Zoning Commission is not an acceptance of the major subdivision plat for record, but is rather an expression of approval of a general plat for the final approval and recording upon fulfillment of all requirements of these regulations.

ji. Tentative approval shall be effective for a maximum period of twelve (12) months, unless upon application by the subdivider property owner, the Director of Community Development grants an extension. If the final major subdivision final plat has not been submitted for final approval within this time limit, a preliminary major subdivision preliminary plat must again be submitted to the Planning and Zoning Commission for tentative approval.

(The following subsection has been moved from #5 to #3)

5. Final approval - Major Subdivision Final Plats:

a. ~~The subdivider shall apply in writing. An application for approval of a major subdivision final plat shall be submitted to the Director of Community Development for approval of a major subdivision plat by the specified application deadline and on the proper form. All current owners of property within the plat shall sign or ratify the application form.~~ (combine with next paragraph)

b. ~~The number of prints of the final major subdivision plat as indicated in the current application form shall accompany the application for final approval. The final plat shall comply with the provisions of Section~~

~~14-09-07(2), of these regulations, and~~ The application shall be accompanied by:

- i. The applicable fee;
- ii. The number of paper prints as indicated in the current application form, prepared in compliance with the provisions of Section 14-09-07(2) of these regulations.
- ~~iii.~~ Either a copy of a current title insurance policy running to the benefit of the City of Bismarck or a current attorney's opinion of ownership, ~~running to the benefit of the City of Bismarck;~~
- ~~iiiv.~~ An 8½ x 11 inch reduction of the plat;
- ~~iiiv.~~ A digital copy pdf of the full-size plat; and
- vi. A dwg file of the plat in accordance with the City's GIS submittal requirements;
- ~~ivvii.~~ A storm water management plan in accordance with Title 14.1 of the Zoning Ordinance A copy of the conditional post-construction stormwater management permit issued by the City Engineer; and
- ~~viii.~~ A Park Development Agreement or Park Concept Development Plan in accordance with the latest adopted City policy, unless waived in writing by the Director of Parks and Recreation or unless the proposed plat does not include any urban residential zoning.

b. For a proposed subdivision plat ~~within or adjacent to the corporate limits that will be served by municipal utilities,~~ a preliminary revised utility servicing plan ~~is also may be~~ required. This preliminary revised utility servicing plan shall include:

- i. An accurate location map;
- ii. The proposed layout of lots and streets;

- iii. Topographic contours with a minimum contour interval of two (2) feet;
- iv. The location of any existing municipal utilities within or adjacent to the plat; and
- v. The proposed location and size of water and sanitary sewer mains within the subdivision, how these mains are proposed to connect to the existing utility systems, the incorporation of any City master-planned utilities, and any easements on adjacent property required to accommodate connections.

~~e. For proposed subdivision plats located within the City of Bismarck's extraterritorial area, an assurance of completion of the required improvements (in a form acceptable to the Planning Commission) shall be required only if such improvements are not constructed and accepted prior to recording of the plat.~~

dc. For plats proposed within the Urban Service Area Boundary, the following are also required:

- i. Grading plans for both rural section roadways to be constructed to serve the rural lots and future urban roadway sections to be constructed to serve the ghost platted urban lots ; and
- ii. Master plans for the future extension of municipal water and sewer facilities to ghost platted urban lots.

~~iii. Watershed Master Plan (as defined in Section 14.1-01-02).~~

ed. After receipt of the complete application for ~~final~~ major subdivision final plat approval, the plat shall be scheduled for review. Upon completion of the review by staff and compliance with all requirements, the Director of Community Development shall give notice of a public hearing before the Planning and Zoning Commission on such proposed

subdivision by advertising the time and place of such hearing in a newspaper of general circulation in the City of Bismarck once each week for two (2) consecutive weeks prior to the date of such hearing. Not less than ten (10) days prior to date of the scheduled public hearing, the City shall attempt to notify all known adjacent property owners within three hundred (300) feet of the proposed major subdivision plat. "Notify" shall mean the mailing of a written notice to the address on record with the City Assessor or Burleigh County Auditor. The failure of adjacent property owners to actually receive the notice shall not invalidate the proceedings. The Director of Community Development shall send a notice of the time and place of such public hearing to the ~~subdivider and~~ property owner(s) ~~before the date fixed for the hearing via registered mail not less than ten (10) days prior to the date of the scheduled public hearing. The public hearing may be held at any regular or special meeting of the Planning and Zoning Commission.~~

~~fe.~~ After a public hearing, the Planning and Zoning Commission may act upon the request for final approval ~~of a major subdivision final plat.~~ If the Planning and Zoning Commission ~~approves recommends approval of~~ the subdivision, such approval will be entered upon the ~~tracing plat prepared for recording purposes~~ and will be signed by the secretary (Director of community Development) and the Chair of the Planning and Zoning Commission. If the Planning and Zoning Commission disapproves the subdivision, such action, together with the reasons therefor will be entered in the official records of the Planning and Zoning Commission and the ~~subdivider property owner~~ shall be so notified.

~~gf.~~ Upon final approval of a major subdivision ~~final plat involving the creation of new street(s) or the widening, decreasing or vacation of existing street(s) or alley(s);~~ ~~the creation or modification of easements; or~~ the creation, enlargement or decrease of other lands devoted to public use, the ~~Planning and Zoning Commission~~ shall at the same time and without further public hearing, approve such change in streets, alleys, ~~easements~~ or public lands as an amendment to the master plan. The ~~Planning and Zoning Commission~~ will transmit notice of such action to the ~~Board of City Commissioners of the City of Bismarck~~ together with appropriate recommendations concerning the acceptance of dedicated streets and alleys, or the vacation thereof, and of the acceptance of ~~easements~~

and other dedicated lands. In the case of streets, alleys and public lands lying outside the City of Bismarck, notice of the action of the Planning and Zoning Commission and appropriate recommendations will be transmitted to the Board of County Commissioners of Burleigh County or other body having jurisdiction in order to procure approval of roadway dedications.

hg. Final approval of a major subdivision final plat by the Planning and Zoning Commission shall in no way constitute legal acceptance of any dedicated streets, alleys or other public lands.

ih. A final major subdivision final plat that is approved recommended for approval by the Planning and Zoning Commission will be recommended for approval forwarded to the Board of City Commissioners. Following final approval of the major subdivision final plat and the Park Development Agreement or Park Concept Development Plan (if required) by the Board of City Commissioners, a plat in recordable form and all required ratifications shall be furnished to the Director of Community Development within one hundred eighty (180) days following approval. The director of Community Development may grant extensions of thirty (30) days for good cause shown in writing. If the plat in recordable form and all required ratifications are not furnished to the Director of Community within one hundred eighty (180) days following approval, the approval of the plat shall be considered null and void and the applicant will have to reapply for approval.

Upon review and obtaining required signatures, and upon submittal of a final dwg file, the Director of Community Development shall file and record the original signed final major subdivision plat with the Burleigh County Recorder. A signed Park Development Agreement (if required) shall be recorded in conjunction with the final major subdivision plat. The recording of Park Concept Development Plans is not required. A rural water agreement (if required) shall also be recorded in conjunction with the plat. All final plats shall be provided digitally formatted to the City of Bismarck's current computer-aided drafting and geographic system software and policy, including coordinate system ties as defined within this zoning ordinance.

(The following subsection has been moved from #3 to #4)

3. Minor Subdivision - Final Plat.

a. The purpose of this subsection is to provide for an expedited review and approval process for the resubdivision of previously platted property that meets the criteria for a minor subdivision final plat. Subdivision plats that do not meet the criteria shall be considered major subdivision plats.

b. ~~The subdivider shall apply in writing for approval of a minor subdivision plat. An application for approval of a minor subdivision final plat shall be submitted~~ to the Director of Community Development by the specified application deadline and on the proper form. All current owners of property within the plat shall sign or ratify the application form. (combine with next paragraph)

e. ~~The number of prints of the minor subdivision final plat as indicated on the current application form shall accompany the application for approval. The minor subdivision final plat shall comply with the provisions of Section 14-09-07(2) of these regulations and application shall be accompanied by:~~

i. The applicable fee;

ii. ~~The number of paper prints as indicated in the current application form, prepared in compliance with the provisions of Section 14-09-07(2) of these regulations;~~

~~iii~~iii. Either a copy of a current title insurance policy running to the benefit of the City or a current attorney's opinion of ownership;

~~iiii~~iv. An 8½ x 11 inch reduction of the plat;

~~iv~~v. A digital copy pdf of the full-size plat; and

vi. A dwg file of the plat in accordance with the City's GIS submittal requirements; and

~~v~~vii. A storm water management plan in accordance with Title 14.1 of the Zoning Ordinance. A copy of the completed scoping

sheet for a post-construction stormwater management permit submitted to the City Engineer in accordance with the provisions of Chapter 14.1-04 of the Code of Ordinances (Stormwater Management/ Post-Construction Stormwater Management Permit) and approved by the City Engineer. A copy of the conditional post-construction stormwater management permit issued by the City Engineer will be required prior to final approval of the minor subdivision final plat.

ed. After receipt of the a complete application for minor subdivision final plat approval, the plat shall be scheduled for review. Upon completion of the review by staff and compliance with all requirements, the Director of Community Development shall give notice of a public hearing before the Planning and Zoning Commission on such proposed subdivision by advertising the time and place of such hearing in a newspaper of general circulation in the City of Bismarck once each week for two (2) consecutive weeks prior to the date of such hearing. Not less than ten (10) days prior to date of the scheduled public hearing, the City shall attempt to notify all known adjacent property owners within three hundred (300) feet of the proposed minor subdivision final plat. "Notify" shall mean the mailing of a written notice to the address on record with the City Assessor or Burleigh County Auditor. The failure of adjacent property owners to actually receive the notice shall not invalidate the proceedings. The Director of Community Development shall send a notice of the time and place of such public hearing to the subdivider and property owner(s) before the date fixed for the hearing via registered mail not less than ten (10) days prior to the date of the scheduled public hearing. The public hearing may be held at any regular or special meeting of the Planning and Zoning Commission.

ed. After a public hearing, the Planning and Zoning Commission may act upon the request for minor subdivision final plat approval. If the Planning Commission approves recommends approval of the minor subdivision final plat, such approval will be entered upon the tracing plat prepared for recording purposes and will be signed by the secretary of the Planning Commission (Director of Community Development) and the Chair of the

Planning and Zoning Commission. If the Planning and Zoning Commission ~~disapproves~~ **denies** the subdivision, such action, together with the reasons therefore, will be entered in the official records of the Planning and Zoning Commission and the ~~subdivider~~ **property owner** shall be so notified.

f. A minor subdivision **final** plat that is **approved** **recommended for approval** by the Planning and Zoning Commission will be ~~recommended for approval~~ **forwarded** to the Board of City Commissioners. Following final approval by the Board of City Commissioners, a plat in recordable form **and all required ratifications** shall be furnished to the Director of **eCommunity Development** within one hundred eighty (180) days following approval. ~~The Director of Community Development may grant extensions of thirty (30) days for good cause shown in writing.~~ Upon review and obtaining required signatures, **and upon submittal of a final dwg file,** the Director of Community Development shall file and record the original signed plat with the Burleigh County Recorder. ~~All final plats shall be provided digitally formatted to the City of Bismarck's current computer-aided drafting and geographic system software and policy, including coordinate system ties as defined within this zoning ordinance~~ **If the plat in recordable form and all required ratifications are not furnished to the Director of Community within one hundred eighty (180) days following approval, the approval of the plat shall be considered null and void and the applicant will have to reapply for approval.**

5. Rural Residential Lot Splits.

a. **The purpose of this subsection is to provide for approval of lot splits within the rural residential zoning districts (RR and RR5) that meet specific criteria and for the waiver of standard platting requirements specified elsewhere in this Chapter. This process is intended to facilitate the further division of previously platted rural residential lots into two or three parcels for development.**

b. **Any person having a legal interest in the property may file an application for a rural residential lot split.**

c. **An application for approval of a rural residential lot split shall be submitted to the Director of**

Community Development on the proper form. The application shall be accompanied by:

- i. The applicable fee;
- ii. A sketch of the proposed modification with all existing buildings or structures on the property and setbacks from existing and proposed parcel boundaries;
- iii. The legal description(s) of the existing lot(s) and/or parcel(s); and
- iv. The legal description(s) of the resulting lots(s) and/or parcel(s).

d. After receipt of all items required for the application for approval of a rural residential lot split, the Director of Community Development shall give notice of a public hearing on the proposed rural residential lot split by advertising the time and place of such hearing in a newspaper of general circulation in the City of Bismarck once each week for two (2) consecutive weeks prior to the date of such hearing. Not less than ten (10) days prior to the date of such hearing, all known adjacent property owners within 1,320 feet of the proposed lot split shall be notified of the public hearing by letter. "Notify" shall mean the mailing of a written notice to the address on record with the City Assessor or Burleigh County Auditor. The failure of adjacent property owners to actually receive the notice shall not invalidate the proceedings. The Director of Community Development shall send a notice of the time and place of such public hearing to the property owner(s) before the date fixed for the hearing.

e. After a public hearing, the Planning and Zoning Commission may act upon the request for a rural residential lot split. The action of the Planning and Zoning Commission, together with the reasons therefor, will be entered in the official records of the Planning and Zoning Commission and the applicant shall be so notified. If the Planning and Zoning Commission approves the lot split, the applicant shall record a document that legally creates the two new parcels with the Burleigh County Recorder. Failure to record such a document within sixty (60) days shall nullify the approval of the lot split.

(The following subsection has been moved from #2 to #6)

**26. Lot Modifications - Lot Line Adjustments, ~~Lot Splits~~
and Lot Combinations, and Lot Splits.**

a. The purpose of this subsection is to provide for approval of lot modifications that meet specific criteria and for the waiver of standard platting requirements specified elsewhere in this Chapter. This process is intended to facilitate the further division of previously platted lots, the combination of previously platted lots or for the adjustment of an existing lot line or parcel line by relocation of a common boundary.

b. Lot line adjustments must meet the following criteria to be approved administratively:

- i. Does not involve lots or parcels within more than one zoning classification;
- ii. Is not one lot line adjustment in a series of lot line adjustments proposed for contiguous lots as a way to circumvent the minor subdivision plat process;
- iii. Both of the resulting parcels conform to the minimum lot area, width and depth for the zoning district in which the property is located, or will when combined with an adjacent parcel as part of the same lot modification action;and
- iv. The resulting parcels can be legally described with no more than two (2) directional descriptors (e.g. the north 100 feet of the west 200 feet of Lot 1, Block 1, ABC Addition). For lot line adjustments between irregularly-shaped parcels or to transfer an irregularly-shaped portion of a lot to an adjacent land owner, the Director of Community Development may waive this requirement, provided the resulting parcels can be legally described as the original lot number combined with a letter (e.g. Lot 1 would become Lots 1A, 1B and 1C) and a plat of irregular description is prepared, signed by the City Engineer or County Engineer, and

recorded with the Burleigh County Recorder's Office.

c. Lot combinations must meet the following criteria to be approved administratively:

i. Does not involve the vacation of existing easements; and

ii. Does not involve lots or parcels within more than one zoning classification.

d. Lot splits must meet the following criteria to be approved administratively:

i. The property is not in a rural residential zoning district (RR or RR5);

ii. The lot split does not involve the creation of new utility easements;

iii. The lot split does not require the dedication of public rights-of-way for the purpose of gaining access to the property;

iv. All resulting parcels conform to the minimum lot area, width and depth for the zoning district in which the property is located;

v. The resulting parcels can be legally described with no more than two (2) directional descriptors (e.g. the north 100 feet of the west 200 feet of Lot 1, Block 1, ABC Addition). For an irregularly-shaped lot, the Director of Community Development may waive this requirement, provided the resulting parcels can be legally described as the original lot number combined with a letter (e.g. Lot 1 would become Lots 1A, 1B and 1C); a plat of irregular description is prepared, signed by the City Engineer or County Engineer, and recorded with the Burleigh County Recorder's Office; and provided that any line dividing the parcel along a common wall is a straight line from the front property line to the back property line among the common wall; and

vi. The property has not previously been divided through the lot split provisions of this ordinance.

be. Any person having a legal interest in the property may file an application for a lot modification. For an adjustment of an existing lot line, an affidavit or separate signature sheet with signatures from all affected property owners indicating their consent must also be submitted.

ef. An application for approval of a lot modification shall be submitted to the Director of Community Development, along with the applicable fee; a certificate of survey prepared by a registered land surveyor showing the parcel or lot, the proposed modification, and all existing building or structures; legal description of the original parcel, and legal description of the resulting parcel(s) on the proper form. The application shall be accompanied by:

i. The applicable fee;

e. A sketch of the proposed modification with all existing buildings or structures on the property and setbacks from existing or proposed parcel boundaries;

ii. The legal description(s) of the existing lot(s) and/or parcel(s); and

iii. The legal description(s) of the resulting lots(s) and/or parcel(s).

eg. For lot combinations and lot line adjustments in all zoning districts and for lot splits in all zoning districts except RR - Residential and RR5 - Residential, the application will be reviewed by the Director of Community Development, in consultation with the City Engineer other impacted departments, and shall be approved administratively if all requirements are met. No hearing or review by either the Planning and Zoning Commission or City Commission is necessary.

e. For lot splits in RR - Residential and RR5 - Residential districts, the application shall be

~~subject to a public hearing before the Planning and Zoning Commission, in accordance with the following procedure:~~

~~i. The application for a lot modification, along with all required items identified herein, shall be submitted to the Director of Community Development by the specified application deadline and on the proper form.~~

~~ii. After receipt of all items required for the application for approval of a lot split, the Director of Community Development shall give notice of a public hearing on the proposed lot split by advertising the time and place of such hearing in a newspaper of general circulation in the City of Bismarck once each week for two (2) consecutive weeks prior to the date of such hearing. Not less than ten (10) days prior to the date of such hearing, all known adjacent property owners within 1,320 feet of the proposed lot split shall be notified of the public hearing by letter. The Director of Community Development shall send a notice of the time and place of such public hearing to the property owner(s) before the date fixed for the hearing. The public hearing may be held at any regular or special meeting of the Planning and Zoning Commission.~~

~~iii. After a public hearing, the Planning Commission may act upon the request for a rural residential lot split. The action of the Planning Commission, together with the reasons therefore, will be entered in the official records of the Planning Commission and the applicant shall be so notified. If the Planning Commission approves the lot split, the applicant shall record a document that legally creates the two new parcels with the Burleigh County Recorder. Failure to record such a document within sixty (60) days shall nullify the approval of the lot split.~~

Ord. 4393, 08-27-91; Ord. 4483, 02-02-93; Ord. 4733, 11-14-95; Ord. 4804, 11-12-96; Ord. 4822, 02-25-97; Ord. 4946, 10-27-98; Ord. 5097, 02-13-01; Ord. 5138, 11-13-01 Ord. 5146, 12-18-01; 5218, 11-26-02l Ord. 5279, 09-23-03; Ord. 5297, 02-24-04; Ord. 5343, 06-22-04; Ord. 5351, 08-24-04; Ord. 5370, 11-23-04; Ord. 5452, 08-23-05; Ord. 5453, 08-23-05; Ord. 12-12-06; Ord. 5728, 05-26-09; Ord. 6015, 10-22-13; Ord. 6197, 04-26-16)

* * * * *

Section 3. Amendment. Section 14-09-06 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Regulations Governing the Subdivision of Land/Improvements is hereby amended and re-enacted to read as follows:

14-09-06. Improvements.

1. Improvements Required within the Corporate Limits. Before issuing a building permit for any structure within the corporate limits, the City will require that the following improvements are either:

a. Constructed and in place;

b. Assured of completion by the deposit with the City of Bismarck of a certified check in an amount sufficient to construct such improvements, the amount to be determined by the City Engineer; or,

c. Assured of completion by the posting of a bond with the City of Bismarck, in an amount sufficient to construct such improvements, the amount to be determined by the City Engineer, and the form and surety of the bond to be approved by the City Attorney.

The improvements required shall be:

1. Street and alley grading.

2. Sanitary sewers, except where, in the opinion of the City Engineer, the provision of sanitary sewers is impractical, in which case individual lots will comply with the size requirements of these regulations and will be provided with approved septic tanks and disposal fields prior to or at the time of construction of any buildings on such lots.

3. Watermains, except where, in the opinion of the City Engineer, connection to a public water

supply is impractical, in which case individual lots will comply with the size requirements of these regulations.

4. Monuments, as required by the North Dakota Century Code.

5. Fences shall be provided along the boundary of any subdivision at all points at which the subdivision abuts or adjoins interstate highway right-of-way or any open drainage facility where required. Said fence shall meet the requirements of the North Dakota Department of Transportation where applicable, and the City Engineer.

2. Procedure for Improvements within the Corporate Limits.

a. No improvements shall be made unless and until all necessary plans, profiles and specifications therefor shall have been submitted to and approved by the City Engineer.

b. At the time such plans, profiles and specifications are submitted for review, the City Engineer shall prepare an estimate of cost for office checking and field inspection of all improvements. The subdivider shall thereupon deposit with the Director of Finance an amount of money equal to said estimated cost. All work done by the City Engineer in connection with checking, computing and correcting such plans for improvements and in connection with field inspection of the construction thereof, shall be charged to such deposit. If during the progress of the work, it shall appear that the cost thereof will exceed the amount so deposited, the City Engineer shall notify the subdivider of this fact and shall do no further work in connection with such review or field inspection until the subdivider has deposited the additional amount of money necessary to cover the cost of the work.

c. Upon completion of the work of checking plans and inspecting the construction of improvements, the City Engineer shall forward to the Director of Finance a statement of the amount of the engineering and inspection costs to be charged against the deposit made by the subdivider. The Director of Finance shall

thereupon refund to the subdivider any unexpended balance of such deposits. If such engineering and inspection charges shall for any reason exceed the amount of the deposits, the Director of Finance shall collect the balance due and shall issue a statement that such charges have been paid.

d. At the time of filing an application for a building permit the applicant will submit either (a) a certificate signed by the City Engineer that all required improvements are in place or (b) a certificate signed by the City Engineer that plans, specifications, and profiles for such improvements have been filed with and approved by him, and a certificate signed by the Director of Finance that a certified check or satisfactory performance bond has been posted for completion of improvements. Where part of the improvements has been completed, appropriate certification will be filed.

e. Other improvements which may be required by the city after a building permit is issued, but prior to the issuance of a certificate of occupancy, include:

~~1. Crosswalks;~~

~~21.~~ Street and alley paving;

~~3. Sidewalks;~~

~~42.~~ Curb and gutter;

3. Driveways; and

~~54.~~ Storm sewers, culverts and bridges.

~~6. Street lights.~~

f. Other improvements which may be required by the city after a certificate of occupancy is issued include:

1. Sidewalks; and

2. Street lights.

3. Improvements Required within the Extraterritorial Area.

a. A building permit for any structure within a platted subdivision within the extraterritorial area may not be issued until all improvements described in this section are constructed and accepted by the County Engineer.

b. The improvements required are:

1. The grading of all roadways within the subdivision;

2. The paving of all roadways within the subdivision, unless this requirement was specifically waived by both the Board of City Commissioners and the Board of County Commissioners in conjunction with the approval of the subdivision;

3. The installation of the storm water management facilities required to manage storm water in accordance with the approved storm water management plan and submittal of a statement from the consulting engineer that certifies that the facilities were built in accordance with the approved storm water management plan; and

4. The construction of any other required facilities, such as turning lanes or bridges.

c. Improvements that are required within a right-of-way under the jurisdiction of the North Dakota Department of Transportation must be accepted by the NDDOT District Engineer.

d. The completion of required off-site improvements, such as the construction of turning lanes or the paving of section line roadways, may be delayed with the submittal of an assurance of completion.

1. Procedure for Improvements within the Extraterritorial Area.

a. No improvements shall be made unless and until all necessary plans, profiles and specifications therefor shall have been submitted to the County Planner and approved by the County Engineer in accordance with the Burleigh County Highway Department Subdivision Road Design and Construction Policy.

b. Before any improvements are installed, the developer shall submit a County Development Permit Application to the County Planner. Once the Development Permit Application has been reviewed and approved by the County Engineer, the developer may proceed with the construction of the road subgrades within the subdivision.

c. Upon satisfactory completion of all required roadways, the County Engineer will notify the City in writing.

(Ord. 4914, 06-09-98; Ord. 5477, 12-13-05; Ord. 6153, 08-11-15)

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Effective Date. This ordinance shall take effect following final passage, adoption and publication.



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 6

August 23, 2017

Application for: Zoning Ordinance Text Amendment

TRAKiT Project ID: ZOTA2017-010

10Project Summary

Title:	Special Uses – Asphalt and Concrete Production Facilities
Status:	Planning & Zoning Commission – Consideration
Project Contact:	Kim L. Lee, AICP, Planning Manager
Sections Amended:	Sections 14-03-08 (Special Uses)
Request:	Amend the Zoning Ordinance to reduce the separation distance for a temporary concrete production facility in the A – Agricultural zoning district.

Staff Analysis

Asphalt production facilities (both temporary and permanent) are allowed as a special use permit in the MA – Industrial and A – Agricultural zoning districts and concrete production facilities (temporary only) are allowed as a special use permit in the A Agricultural zoning district. Both types of facilities are subject to a ½ mile separation distance from residential zoning districts. This ½ mile separation requirement is reasonable for an asphalt production facility because of the associated odors, but it seems excessive for a temporary concrete production facility. The proposed amendment keeps the separation of ½ mile for asphalt production facilities, but reduces it to 660 feet (1/8 mile) for temporary concrete production facilities.

Required Findings of Fact (relating to land use)

1. The proposed text amendment would not adversely affect the public health, safety or general welfare;
2. The proposed text amendment is justified by a change in conditions since the zoning ordinance

was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance;

3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance; and
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning ordinance text amendment for Sections 14-03-08 (Special Uses) of the City Code of Ordinances, as outlined in the attached draft ordinance.

Attachments

1. Draft zoning ordinance text amendment

Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov

CITY OF BISMARCK

Ordinance No. XXXX

First Reading _____

Second Reading _____

Final Passage and Adoption _____

Publication Date _____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-08 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO SPECIAL USES ASPHALT AND CONCRETE PRODUCTION FACILITIES.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-08 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Special Uses and Asphalt and Concrete Production Facilities is hereby amended and re-enacted to read as follows:

14-03-08. Special Uses.

* * * * *

4. Permanent uses (planning and zoning commission approval). The city planning and zoning commission is authorized to grant special use permits for the following uses:

* * * * *

t. Asphalt and Concrete Production Facilities. Asphalt production facilities, either permanent or temporary, may be permitted in any A or MA district, and temporary concrete production facilities, —either permanent or temporary, may be permitted in any A district as a special use provided:

1. The site is located at least 1/2 mile from any residential principal structure or any residentially zoned property for an asphalt

production facility, either permanent or temporary, and at least 660 feet from any residential principal structure residentially zoned property for a temporary concrete production facility.

2. A site plan is submitted showing the overall dimensions of the site, the location of specific activities, fences, parking areas and access roads.

3. A written narrative is submitted describing the operation of the facility, including fugitive dust management, run-off control, and spill containment.

4. A permit to operate is issued by the North Dakota Department of Health prior to operation of the facility, if required.

5. The County Engineer and/or City Engineer, depending on location of the site, has approved the proposed access (ingress/egress) for the operation.

6. For temporary asphalt or concrete production facilities, the following additional provisions apply:

a) The temporary asphalt or concrete production facility is for a specific construction project and not for general sale of product to the public.

b) At the time of initial consideration, the applicant provides a detailed written explanation of the length of time needed for the use.

c) The use is for a specified period of time, tied to the duration of the construction project, which shall be clearly stated in the approval of the temporary use permit.

* * * * *

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be

invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect following final passage, adoption and publication.



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 7

August 23, 2017

Application for: Zoning Change

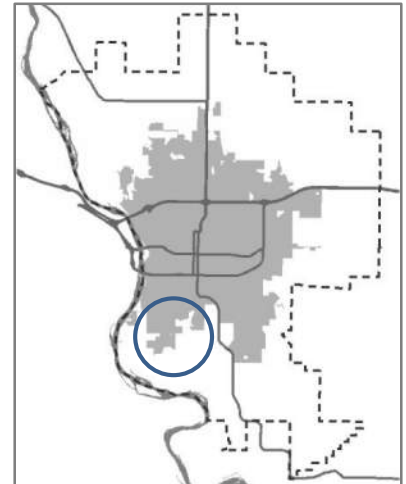
Minor Subdivision Final Plat

TRAKiT Project ID: ZC2017-014

MPLT2017-008

Project Summary

<i>Title:</i>	South Meadows Addition Second Replat
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Investcore, Inc.
<i>Project Contact:</i>	Jim Cooper, RLS, Moore Engineering
<i>Location:</i>	In south Bismarck, south of West Burleigh Avenue and on the west side of South Washington Street.
<i>Project Size:</i>	4.93 acres
<i>Request:</i>	Replat and rezone property to allow the development of seven two-family dwellings, with four additional lots available for development.



Site Information

Existing Conditions

<i>Number of Lots:</i>	5 lots in 1 block
<i>Land Use:</i>	Undeveloped
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	RM15 – Residential
<i>Uses Allowed:</i>	RM15 – Multi-family residential
<i>Max Density Allowed:</i>	RM15 – 15 units / acre

Proposed Conditions

<i>Number of Lots:</i>	19 lots in 1 block
<i>Land Use:</i>	Two-Family Homes
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	R10 – Residential
<i>Uses Allowed:</i>	R10 – Single and two-family residential
<i>Max Density Allowed:</i>	R10 – 10 units / acre

Property History

<i>Zoned:</i>	RM15: 08/2016 R10: 09/2014 (Lots 16-19) RM15: 09/2014 (Lot 20)	<i>Platted:</i>	10/2014	<i>Annexed:</i>	10/2014
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Staff Analysis

The applicant is requesting approval of a minor subdivision final plat for a replat of Lots 16-20, Block 4, South Meadows Addition and a zoning change from the RM15 – Residential zoning district to the R10 – Residential zoning district to allow the development of seven two-family dwellings, with an additional four lots available for development.

Adjacent land uses include undeveloped land platted for two-family residential development to the north, undeveloped land to the west, an electrical substation to the south, and rural residential dwellings to the southeast.

The plat contains a cul-de-sac. According to Section 14-09-05(1)n of the Code of Ordinances:

“Cul-de-sac streets may be permitted in instances where there is no reasonable opportunity to provide for future connections to adjoining streets, including natural barriers such as topography or water features, man-made barriers such as railroad tracks, or Title 14 & 14.1 to discourage through traffic between incompatible land uses. Detailed written justification for the use of cul-de-sac streets in proposed subdivision plats shall be provided as part of the plat application process.”

The applicant has submitted a written justification for the cul-de-sac, noting that the land to the south is currently used as an electrical substation and a roadway connecting through this land is not feasible.

The street is also intended to be privately owned, which is permissible but discouraged by the ordinance. The reason stated for private ownership is that the minimum standards in the ordinance cannot be met, given the existing configuration of the Lot 20 being replatted. The ordinance requires a 66 foot right-of-way width and a 61 foot turning radius in the center of the cul-de-sac. The plat shows a 38 foot easement width and a 50 foot turning radius. The paved area must meet fire apparatus access roadway standards, which require a 26 foot paved area and a 48 foot turning radius.

The street would be platted as a separate lot (Lot 19), with an ownership interest granted to each owner of

Lots 5 through 18. The private road would not grant public access, but only access to the owners and visitors, as well as municipal services and utilities. The applicant intends to create a homeowners' association to maintain this access easement. Because the roadway does not meet City standards and will not be maintained by the City, The policy of the City has been to not accept ownership of these easements.

An existing landscape buffer on the west side of Lot 20, Block 4, South Meadows Addition would be removed with the replat. Because of a zoning change that went into effect in 2014, this buffer is no longer required.

The entirety of the subdivision is just outside of the Special Flood Hazard Area, otherwise known at the 100-year flood plain. Therefore, no floodplain permits or mitigation would be required for this plat. The entire plat is within the 0.2% Annual Chance Flood Hazard Area, otherwise known as the 500-year floodplain. The applicant has stated that the proposed twin homes would not include basements.

In addition to the utility easements dedicated in the original South Meadows Addition, an easement for sanitary sewer is shown on the proposed plat through Lot 5, block 1.

Required Findings of Fact (relating to land use)**Zoning Change**

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;

(continued)

5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Minor Subdivision Final Plat

1. All technical requirements for approval of a minor subdivision final plat have been met;
2. The requirement to provide a stormwater management plan has been waived by the City Engineer;
3. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and

5. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of a minor subdivision final plat and zoning change from the RM15 – Residential zoning district to the R10 – Residential zoning district for South Meadows Addition Second Replat, with the following condition:

1. Roadway improvements of Meridian Court meet all Fire Apparatus Access Roadway Standards.
2. Restrictive covenants are recorded in conjunction with the plat to create a homeowners' association to maintain the access easement in Lot 19, Block 1, and the covenants do not provide the option to transfer this lot to the City.

Attachments

1. Location Map
2. Zoning and Plan Reference Map
3. Minor Subdivision Final Plat
4. South Meadows Addition (with area of replat highlighted)

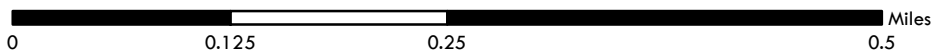
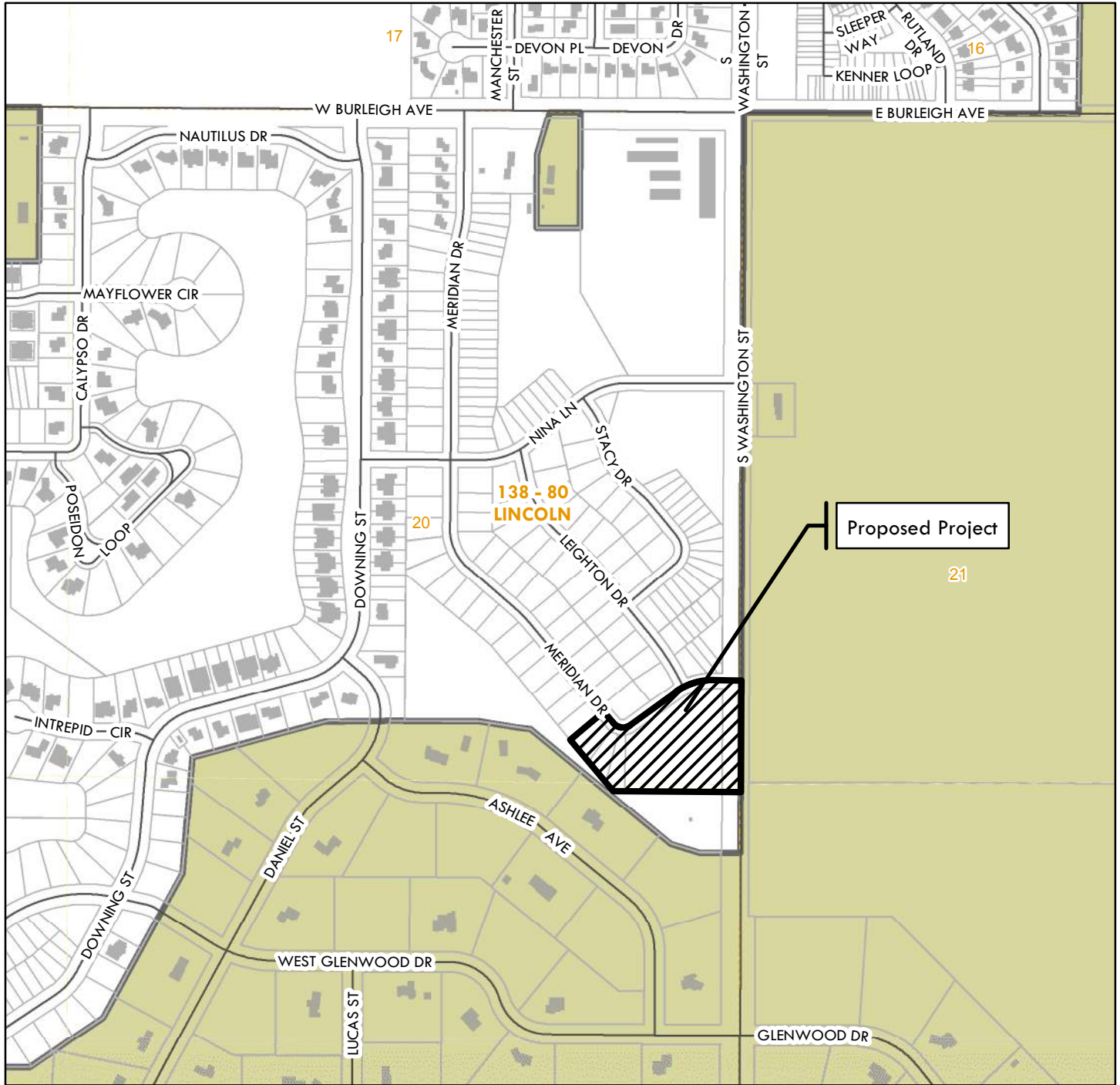
Staff report prepared by: Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.gov



Proposed Minor Plat and Zoning Change (RM15 to R10)

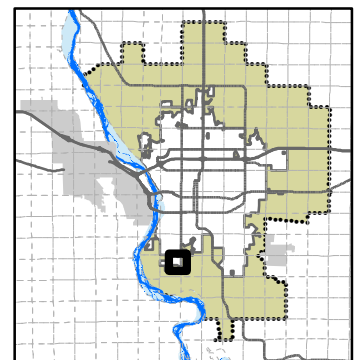
South Meadows Addition Second Replat

ZC2017-014
MPLT2017-008
Location Map



City Limits Bismarck ETA Jurisdiction

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
August 18, 2017 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



Proposed Zoning Change (RM15 to R10)

South Meadows Addition Second Replat

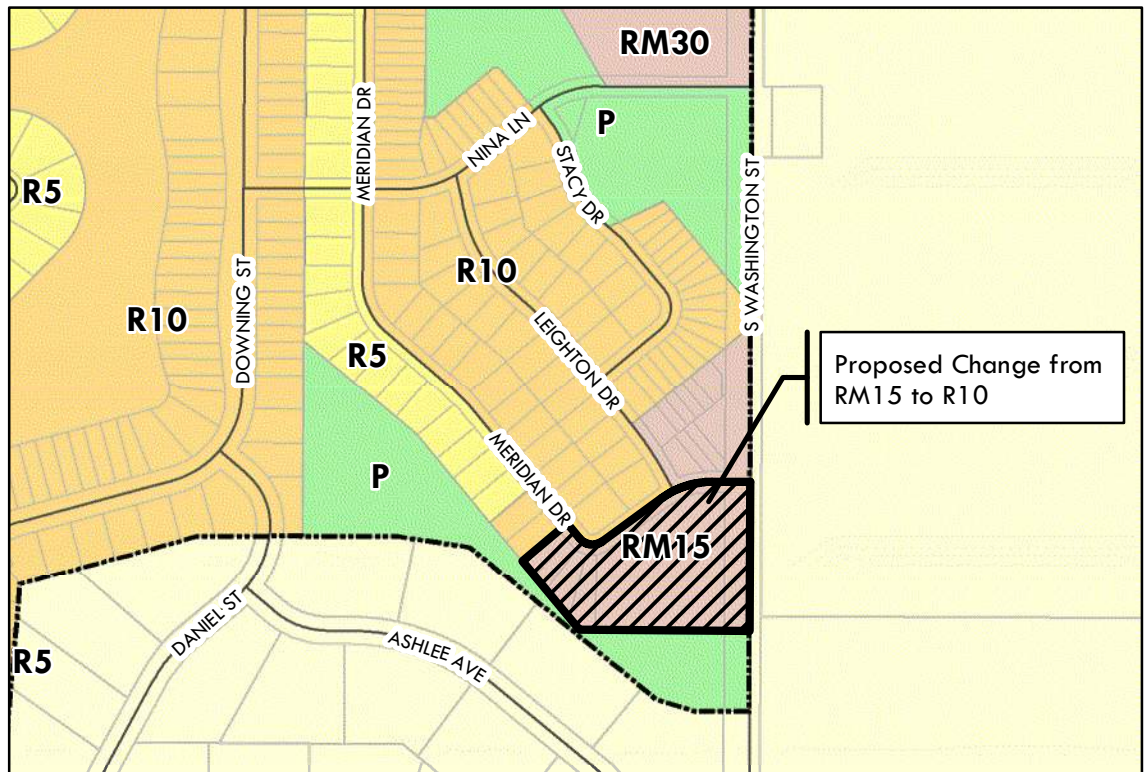
ZC2017-014
Zoning and Plan
Reference Map

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

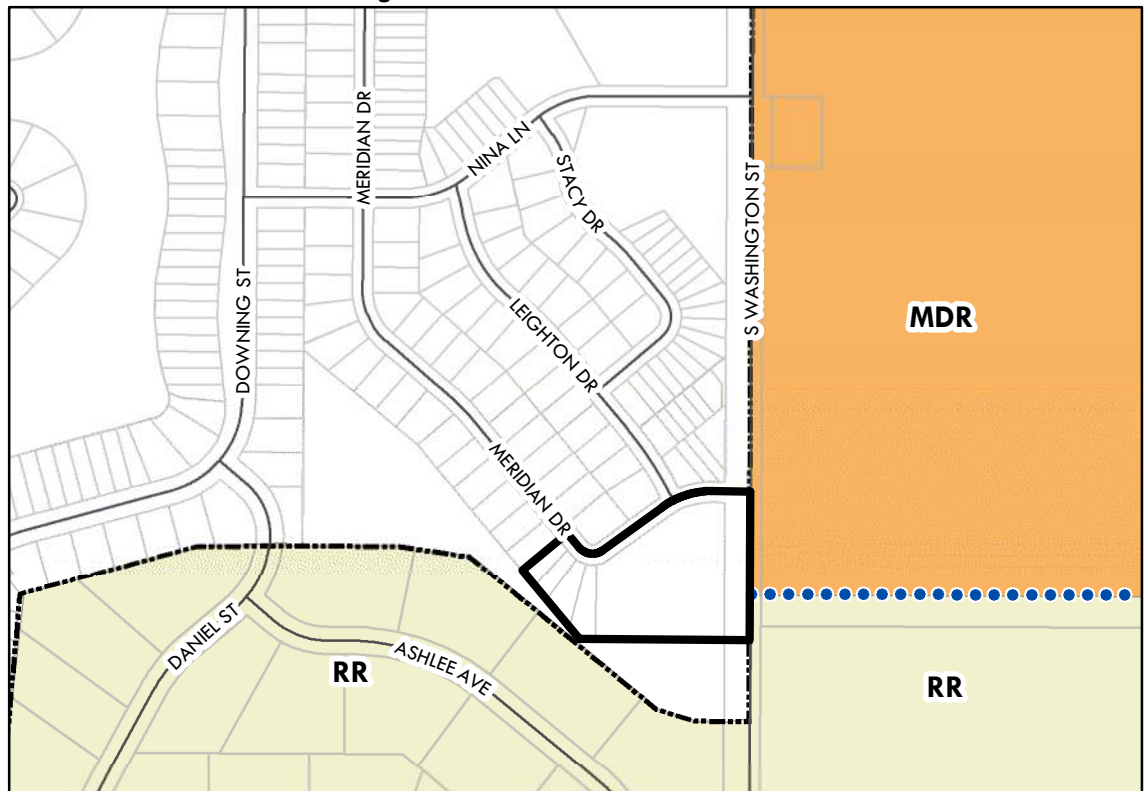
Zoning Map



Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Future Land Use Plan and Fringe Area Road Master Plan



Fringe Area Road Master Plan

- ● ● Planned Arterial
- ● ● Planned Collector

0 0.075 0.15 0.3 Miles

City Limits

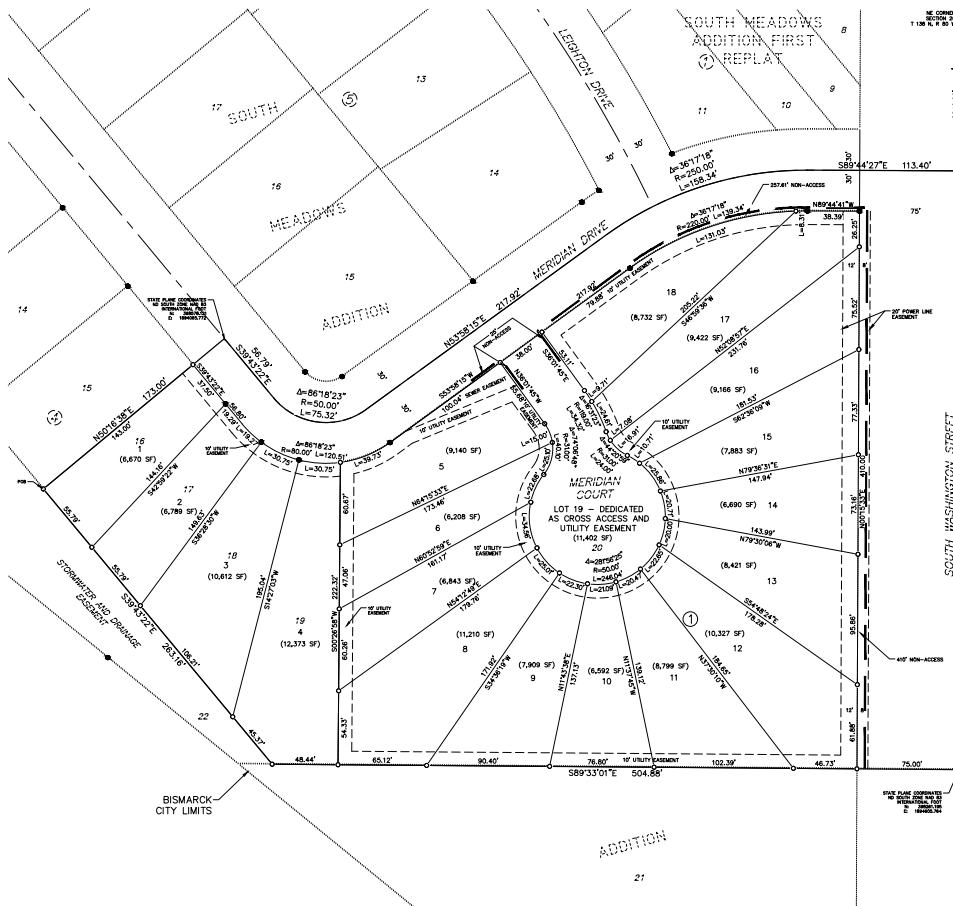
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development Dept.
Planning Division
August 15, 2017

PLAT OF SOUTH MEADOWS ADDITION SECOND REPLAT

BEING A REPLAT OF LOTS 16 THROUGH 20, BLOCK 4, SOUTH MEADOWS ADDITION AND PARTS OF SOUTH WASHINGTON AND MERIDIAN DRIVE RIGHTS OF WAY
PART OF THE NE 1/4 AND THE SE 1/4 OF SECTION 20, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, BISMARCK, NORTH DAKOTA.



NOTES

BASIS OF BEARING
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY CITY ORDINANCE

COORDINATE DATUM
NORTH DAKOTA STATE PLANE COORDINATE SYSTEM
NAD 83 SOUTH ZONE, ADJUSTMENT OF 1986
NAVD 88
UNITS ARE INTERNATIONAL FEET

FLOOD PLAIN INFORMATION
PROPERTY DOES NOT FALL WITHIN 100 YEAR FLOOD PLAIN
FLOOD PLAIN ELEVATION = 1635.2' (NAVD 88)

LOT 19, BLOCK 1 IS A NON-BUILDABLE COMMON AREA LOT THAT IS UTILIZED, OWNED, AND MAINTAINED BY ALL ADJACENT LAND OWNERS.

AREA DATA

LOTS	165,187 S.F.	3.79 ACRES
STREETS	49,805 S.F.	1.14 ACRES
TOTAL	214,992 S.F.	4.93 ACRES



Scale in Feet
DATE: JUNE 23, 2017

LEGEND

- IRON MONUMENT FOUND
- SET 5/8"X1/2" REBAR WITH YELLOW PLASTIC CAP #5001
- L ARC LENGTH
- R RADIUS LENGTH
- CHORD BEARING
- CHORD BEARING (9,000 SF)
- ACCESS CONTROL
- SANITARY SEWER CLEAN OUT
- FIRE HYDRANT
- WATER GATE VALVE

SURVEYOR
MOORE ENGINEERING, INC.
2011 N. 14TH ST. STE. 301
BISMARCK, ND 58503

OWNER
INVESTORE, INC.
909 TACOMA AVE., STE 2
PO BOX 1437
BISMARCK, ND 58502-1437

DESCRIPTION

A REPLAT OF LOTS 16 THROUGH 20, BLOCK 4, SOUTH MEADOWS ADDITION AND PARTS OF SOUTH WASHINGTON STREET AND MERIDIAN DRIVE RIGHTS OF WAY, PART OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH MOST CORNER OF LOT 15, BLOCK 4 OF SAID SOUTH MEADOWS ADDITION; THENCE SOUTH 39 DEGREES 43 MINUTES 22 SECONDS EAST ALONG THE NORTHEAST LINE OF LOT 22 OF SAID BLOCK 4 FOR A DISTANCE OF 263.16 FEET; THENCE SOUTH 89 DEGREES 33 MINUTES 01 SECOND EAST ALONG THE NORTH LINE OF LOT 21 OF SAID BLOCK 4 AND THE EASTERLY PROJECTION THEREOF FOR A DISTANCE OF 504.88 FEET; THENCE NORTH 00 DEGREES 15 MINUTES 33 SECONDS EAST ALONG THE EAST LINE OF SAID SECTION 20 FOR A DISTANCE OF 440.25 FEET; THENCE NORTH 89 DEGREES 44 MINUTES 27 SECONDS WEST ALONG THE CENTERLINE OF MERIDIAN DRIVE FOR A DISTANCE OF 113.40 FEET; THENCE 158.34 FEET WESTERLY ALONG SAID CENTERLINE ON A TANGENTIAL CURVE CONCAVE TO SOUTH, HAVING A RADIUS OF 250.00 FEET AND A CENTRAL ANGLE OF 36 DEGREES 17 MINUTES 18 SECONDS; THENCE SOUTH 53 DEGREES 58 MINUTES 15 SECONDS WEST ALONG SAID CENTERLINE FOR A DISTANCE OF 217.92 FEET; THENCE 75.32 FEET SOUTHWESTERLY AND NORTHERLY ALONG SAID CENTERLINE ON A TANGENTIAL CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 86 DEGREES 18 MINUTES 32 SECONDS; THENCE NORTH 39 DEGREES 43 MINUTES 22 SECONDS WEST ALONG SAID CENTERLINE FOR A DISTANCE OF 50.79 FEET; THENCE SOUTH 39 DEGREES 43 MINUTES 22 SECONDS WEST ALONG THE SOUTHEASTLY LINE OF SAID LOT 15 AND THE NORTHEASTLY PROJECTION THEREOF FOR A DISTANCE OF 173.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 4.93 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY, AND RESTRICTIONS OF RECORD, IF ANY.

SURVEYOR'S CERTIFICATE

I, JAMES A. COOPER, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "SOUTH MEADOWS ADDITION SECOND REPLAT" TO THE CITY OF BISMARCK, A REPLAT OF LOTS 16 THRU 20, BLOCK 4, SOUTH MEADOWS ADDITION TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS.



JAMES A. COOPER
REGISTERED LAND SURVEYOR
REG. NO. LS-5501

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

ON THIS _____ DAY OF _____, 2017, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JAMES A. COOPER, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, BURLEIGH COUNTY, NORTH DAKOTA

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF THE LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE DAY OF _____, 2017, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

WAYNE LEE YEAGER - CHAIR

CARL D. HOKENSTAD - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF THE LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 2017.

ATTEST
KEITH J. HUNKE - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "SOUTH MEADOWS ADDITION SECOND REPLAT", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

GABRIEL J. SCHELL
CITY ENGINEER

OWNER'S CERTIFICATE AND DEDICATION

KNOWN ALL MEN BY THESE PRESENTS THAT INVESTORE, INC., BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "SOUTH MEADOWS ADDITION SECOND REPLAT", BISMARCK, NORTH DAKOTA, AND DO SO RE-DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY, WATER MAIN, SANITARY SEWER, STORM SEWER AND STORM WATER EASEMENTS.

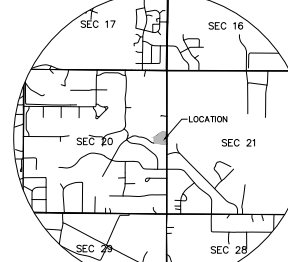
THEY FURTHERMORE GRANT PARTIES OF LOTS 5 THROUGH 18, THEIR TENANTS, VISITORS AND LICENSEES, SAID EASEMENT TO INCLUDE THE FULL AND FREE RIGHT FOR SAID PARTIES, THEIR TENANTS VISITORS AND LICENSEES, IN COMMON WITH ALL OTHERS HAVING LIKE RIGHT AT ALL TIMES HEREAFTER FOR ALL PURPOSES CONNECTED WITH THE USE OF SAID PARTIES, TO PASS AND REPASS ALONG SAID EASEMENT AND TO HOLD SAID EASEMENT TO SAID PARTIES, THEIR HEIRS AND ASSIGNS AND APPURTENANT TO THE LAND OF SAID PARTIES. THEY ALSO DEDICATE SAID ACCESS EASEMENT TO AND FOR THE USE OF ANY GOVERNMENTAL SUBDIVISION, ITS OFFICERS AND EMPLOYEES FOR UTILITIES AND ANY OTHER GOVERNMENTAL USE OR USES IT DEEMS NECESSARY OR ADVISABLE, PROVIDED THE CITY SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY CITY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE OWNERS OF PROPERTY IN THE SUBDIVISION.

CHAD WACHTER
PRESIDENT
INVESTORE, INC.

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

ON THIS _____ DAY OF _____, 2017, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF _____.

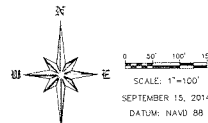
NOTARY PUBLIC, BURLEIGH COUNTY, NORTH DAKOTA



LOCATION MAP

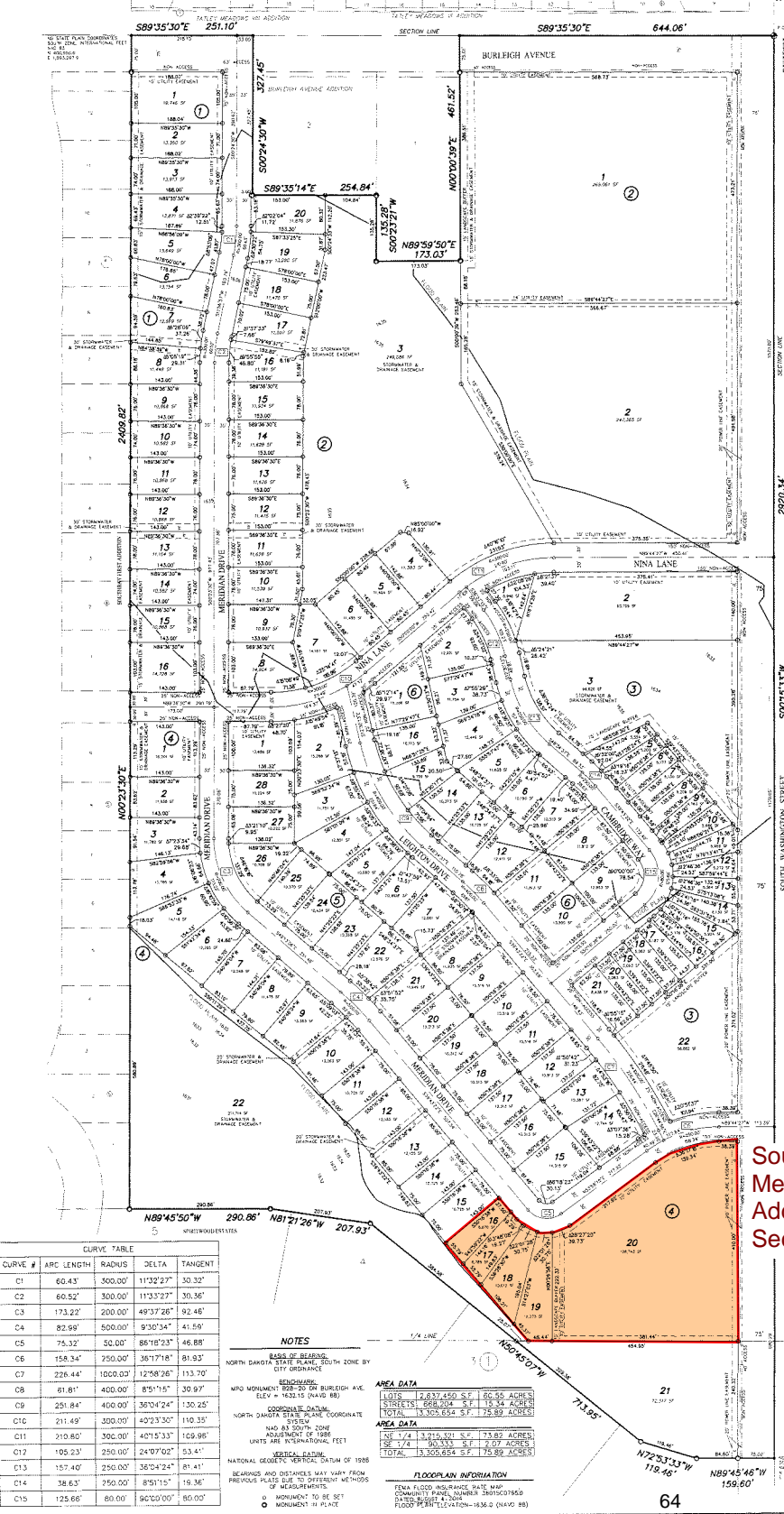
SOUTH MEADOWS ADDITION

ALL OF LOT D OF SECTION 20 & ALL OF LOT D OF THE NE 1/4, PART OF THE SE 1/4 & NE 1/4 OF SECTION 20, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, BISMARCK, NORTH DAKOTA



SCALE: 1"=100'
SEPTEMBER 15, 2014
DATUM: NAD83

2225



South Meadows Addition Second Replat

DESCRIPTION

ALL OF LOT D OF SECTION 20 & ALL OF LOT D OF THE NE 1/4, PART OF THE SE 1/4 & NE 1/4 OF SECTION 20, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHWEST 1/4, THENCE SOUTH 00 DEGREES 15 MINUTES 33 SECONDS WEST, ALONG THE EAST LINE OF SAID NORTHWEST 1/4, A DISTANCE OF 2920.34 FEET, TO THE NORTH LINE OF BURLEIGH AVENUE, THENCE NORTH 88 DEGREES 48 MINUTES 48 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 189.80 FEET, THENCE NORTH 72 DEGREES 33 MINUTES 33 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 118.45 FEET, THENCE NORTH 50 DEGREES 45 MINUTES 07 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 713.95 FEET, THENCE NORTH 81 DEGREES 21 MINUTES 38 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 290.88 FEET, THENCE NORTH 89 DEGREES 45 MINUTES 50 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 290.88 FEET, TO THE EAST LINE OF SAID NORTHWEST 1/4, THENCE NORTH 00 DEGREES 30 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 2409.83 FEET TO THE NORTH LINE OF SAID NORTHWEST 1/4, THENCE SOUTH 89 DEGREES 38 MINUTES 30 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 201.10 FEET, TO THE BOUNDARY LINE OF BURLEIGH AVENUE, THENCE SOUTH 00 DEGREES 24 MINUTES 30 SECONDS WEST, ALONG SAID BOUNDARY LINE, A DISTANCE OF 377.45 FEET, THENCE SOUTH 89 DEGREES 35 MINUTES 14 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY LINE, A DISTANCE OF 284.84 FEET, THENCE SOUTH 00 DEGREES 23 MINUTES 25 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY LINE, A DISTANCE OF 130.28 FEET, THENCE NORTH 89 DEGREES 50 MINUTES 50 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY LINE, A DISTANCE OF 173.03 FEET, THENCE NORTH 00 DEGREES 00 MINUTES 30 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY LINE, A DISTANCE OF 461.52 FEET, TO THE NORTH LINE OF SAID NORTHWEST 1/4, THENCE SOUTH 89 DEGREES 38 MINUTES 30 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 644.06 FEET TO THE POINT OF THE BEGINNING.

THE ABOVE TRACT CONTAINS 75.89 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BAUTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON OCTOBER 8, 2014, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.



STATE OF NORTH DAKOTA) SS
COUNTY OF BURLEIGH) SWENSON, HAGEN & CO. P.C.
909 BASIN AVENUE
BISMARCK, NORTH DAKOTA

TERRY BAUTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3555

ON THIS 15TH DAY OF SEPTEMBER 2014, BEFORE ME PERSONALLY APPEARED TERRY BAUTZER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE, AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATENCE
Notary Public
State of North Dakota
My Commission Expires Aug 24, 2016

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, NORTH DAKOTA, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. MY WITNESS HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

WILLIAM B. WOODWARD
WILLIAM B. WOODWARD - CHAIRMAN

CARL D. HOFSTADT
CARL D. HOFSTADT - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE ORDINANCES AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE 15TH DAY OF SEPTEMBER 2014.

W. C. WOODEN - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, MELVIN J. BULLINGER, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "SOUTH MEADOWS ADDITION", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.



MELVIN J. BULLINGER
CITY ENGINEER

OWNERS' CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT SANTI ET, LLP, AND CAPITAL ELECTRIC COOPERATIVE, INC, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT THE FOREGOING CERTIFICATE TO BE SURVEYED AND PLATTED AS "SOUTH MEADOWS ADDITION", BISMARCK, NORTH DAKOTA, AND DO SO DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, COLLECTORS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY, SANITARY SEWER, STORM SEWER & STORM WATER EASEMENTS.

THEY FURTHERMORE DEDICATE UNTO THE CITY OF BISMARCK "STORM WATER AND DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS DESIGNATED HEREON AS "STORM WATER AND DRAINAGE EASEMENTS" FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, MAINTENANCE AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPLICANCES HEREON TO STORM WATER, STORM SEWER AND SURFACE WATER DRAINAGE, AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

STATE OF NORTH DAKOTA) SS
COUNTY OF BURLEIGH) LANCE WACHTER, MANAGING PARTNER

OWNERS OF ALL SOUTH MEADOWS ADDITION
EXCEPT LOT 21, BLOCK 4
PO BOX 520
BISMARCK, ND 58503

ON THIS 15TH DAY OF SEPTEMBER 2014, BEFORE ME PERSONALLY APPEARED LANCE WACHTER AND GAIL WACHTER, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

DAVID PATENCE
Notary Public
State of North Dakota
My Commission Expires Aug 24, 2016

NOTARY PUBLIC
COUNTY OF BURLEIGH
MY COMMISSION EXPIRES AUG 24, 2016

STATE OF NORTH DAKOTA) SS
COUNTY OF BURLEIGH) DWIGHT WRIGHTMAN, PRES

ON THIS 26TH DAY OF SEPTEMBER 2014, BEFORE ME PERSONALLY APPEARED DWIGHT WRIGHTMAN OF CAPITAL ELECTRIC COOPERATIVE, INC, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

PAUL FITTER
Notary Public
State of North Dakota
My Commission Expires Oct 6, 2017

NOTARY PUBLIC
COUNTY OF BURLEIGH
MY COMMISSION EXPIRES OCT 6, 2017

2225



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item #8

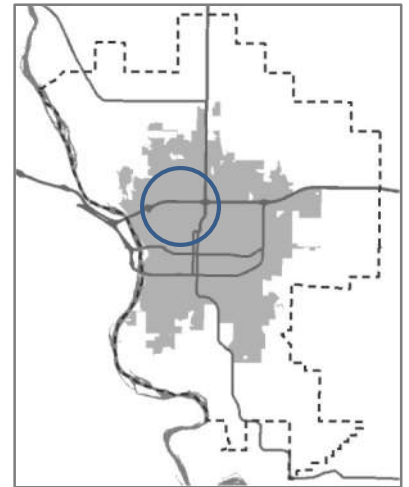
August 23, 2017

Application for: Special Use Permit

TRAKiT Project ID: SUP2017-001

Project Summary

<i>Title:</i>	Lot 1, Block 2, Brauer's Addition (517 East Turnpike Avenue)
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Bethel Lutheran Church
<i>Project Contact:</i>	Light of Christ Catholic Schools
<i>Location:</i>	In central Bismarck, between North 5 th Street and North 7 th Street, along the south side of East Turnpike Avenue.
<i>Project Size:</i>	2.09 acres
<i>Request:</i>	Approval of a special use permit to allow the operation of a child care center.



Site Information

Existing Conditions

<i>Number of Lots:</i>	1 lot in 1 block
<i>Land Use:</i>	Religious Facility
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	R5 – Residential
<i>Uses Allowed:</i>	R5 – Single-family residential
<i>Max Density Allowed:</i>	R5 – 5 units / acre

Proposed Conditions

<i>Number of Lots:</i>	1 lot in 1 block
<i>Land Use:</i>	Religious Facility and Child Care Center
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	R5 – Residential
<i>Uses Allowed:</i>	R5 – Single-family residential
<i>Max Density Allowed:</i>	R5 – 5 units / acre

Property History

<i>Zoned:</i>	Pre-1980	<i>Platted:</i>	10/1964	<i>Annexed:</i>	Pre-1980
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Staff Analysis

The applicant is requesting approval of a special use permit to operate a child care center in a R5 Residential zoning district. A child care center is

allowed as a special use in the R5 Residential zoning district, provided certain conditions are met. The proposed child care center is expected to comply with all five provisions outlined in Section 14-03-08(4)(q) of

(continued)

the City Code of Ordinances (Special Uses). A copy of this section of the zoning ordinance is attached.



Bethel Lutheran Church – 517 East Turnpike Avenue

The proposed special use would provide child care services intended to accommodate 52 children ages six weeks to seven years. The child care center would employ a maximum of 13 employees including support staff with no more than 10 people working at any given time. Hours of operation will be Monday – Friday 7:00 am to 5:30 pm. Based on the site and building plans submitted by the applicant, adequate indoor and outdoor recreation space would be provided to meet the requirements of the ordinance.

The applicant has been working with City staff to ensure all of the requirements to establish and operate a child care center are met. In addition, the applicant has indicated that the facility will conform to all applicable requirements of the International Building Code and the International Fire Code.

Adjacent land uses include single family residences to the north, east, south and west of the proposed facility.

Required Findings of Fact (relating to land use)

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance;
2. The proposed special use is compatible with adjacent land uses and zoning;
3. The proposed special use would be designed, constructed, operated and maintained in a

manner that is compatible with the appearance of the existing or intended character of the surrounding area;

4. Adequate public facilities and services are in place or would be provided at the time of development;
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity;
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic;
7. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed special use would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit to allow operation of a child care center within an existing religious facility on Lot 1, Block 2, Brauer's Addition with the following condition:

1. The development of the site must generally conform to the site plan submitted with the application.

Attachments

1. Section 14-03-08(4)(g) of the City Code of Ordinances
2. Location Map
3. Zoning and Plan Reference Map
4. Site Plan

Staff report prepared by:

Will Hutchings, Planner

701-355-1850 | whutchings@bismarcknd.gov

14-03-08(4)(q)

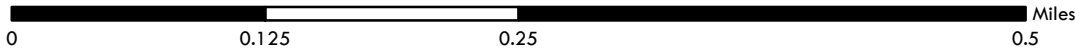
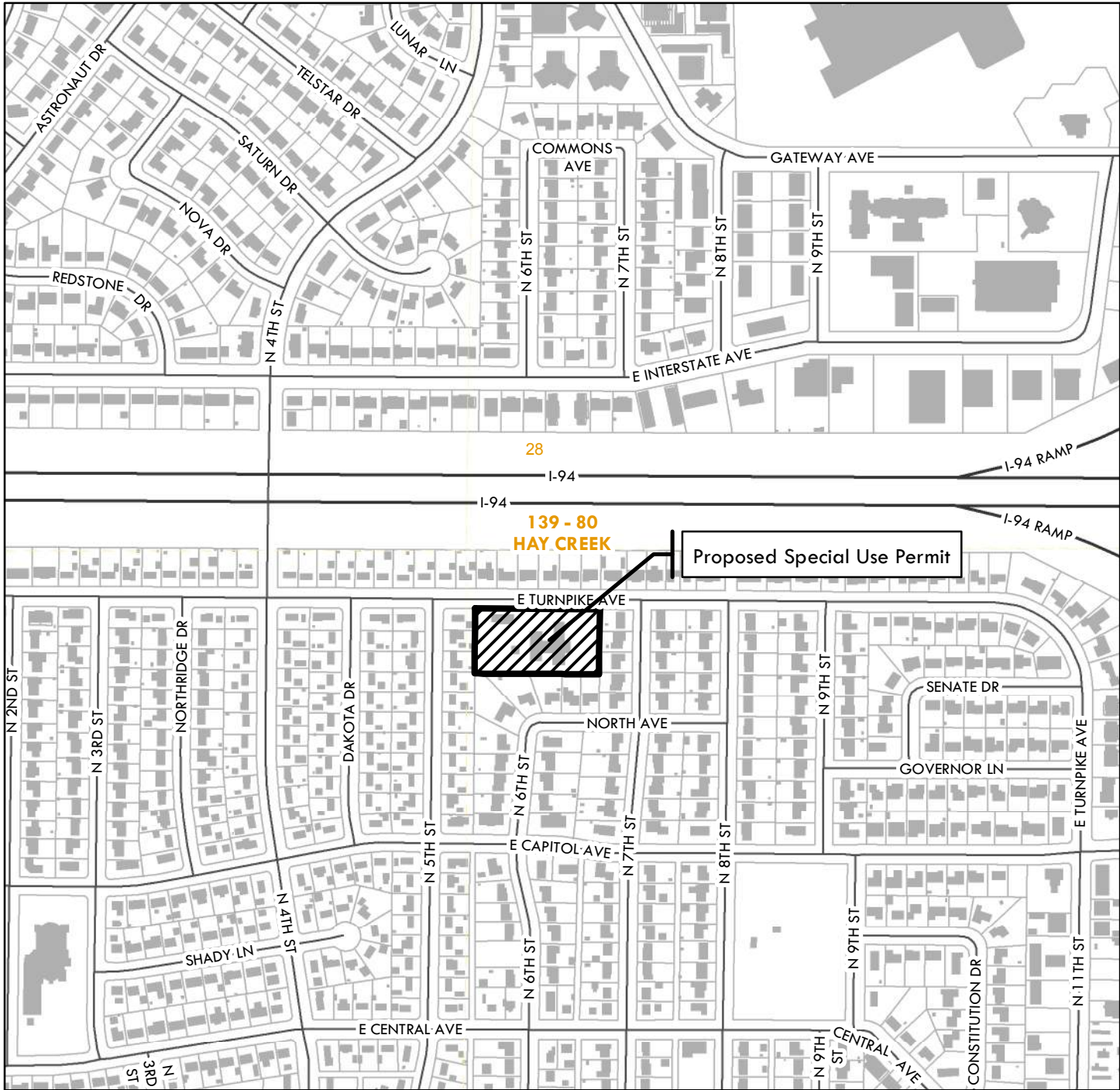
q. Child Care Center. Child Care centers may be permitted as a special use in all zoning districts except RMH or MB districts, provided:

1. Each building shall provide not less than thirty-five (35) square feet of interior recreation area per child. Work areas, office areas, and other areas not designed for use of the children may not be counted in this computation.
2. Each lot shall provide an outdoor recreation area of not less than seventy-five (75) square feet per child. The recreation area shall be fenced, have a minimum width of twenty (20) feet, a minimum depth of twenty (20) feet, be located on the same lot or parcel of land as the facility it is intended to serve, and must be located behind the building setback lines.
3. Adequate off street parking shall be provided at the following ratio: One space for each employee and one space for each ten (10) children.
4. Child Care centers shall conform to all applicable requirements of the International Building Code and The International Fire Code as adopted by the City of Bismarck (Title 4 of the City Code of Ordinances – Building Regulations), and all requirements of the North Dakota Department of Human Services.
5. Child care centers shall comply with all applicable requirements relating to health and sanitation that have been adopted by the City of Bismarck (Title 8 of the City Code of Ordinances – Health and Sanitation), and all requirements of the North Dakota Department of Health.



Proposed Special Use Permit (Child Care)
Lot 1, Block 2, Brauer's Addition

Project
Location Map

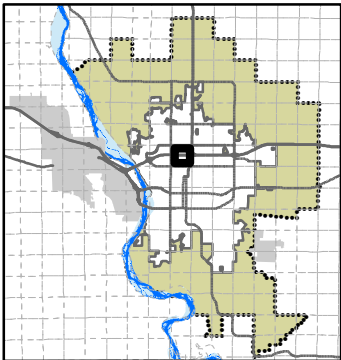


City Limits



Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
July 24, 2017 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



Proposed Special Use Permit (Child Care Center)

Lot 1, Block 2 Brauer's Addition

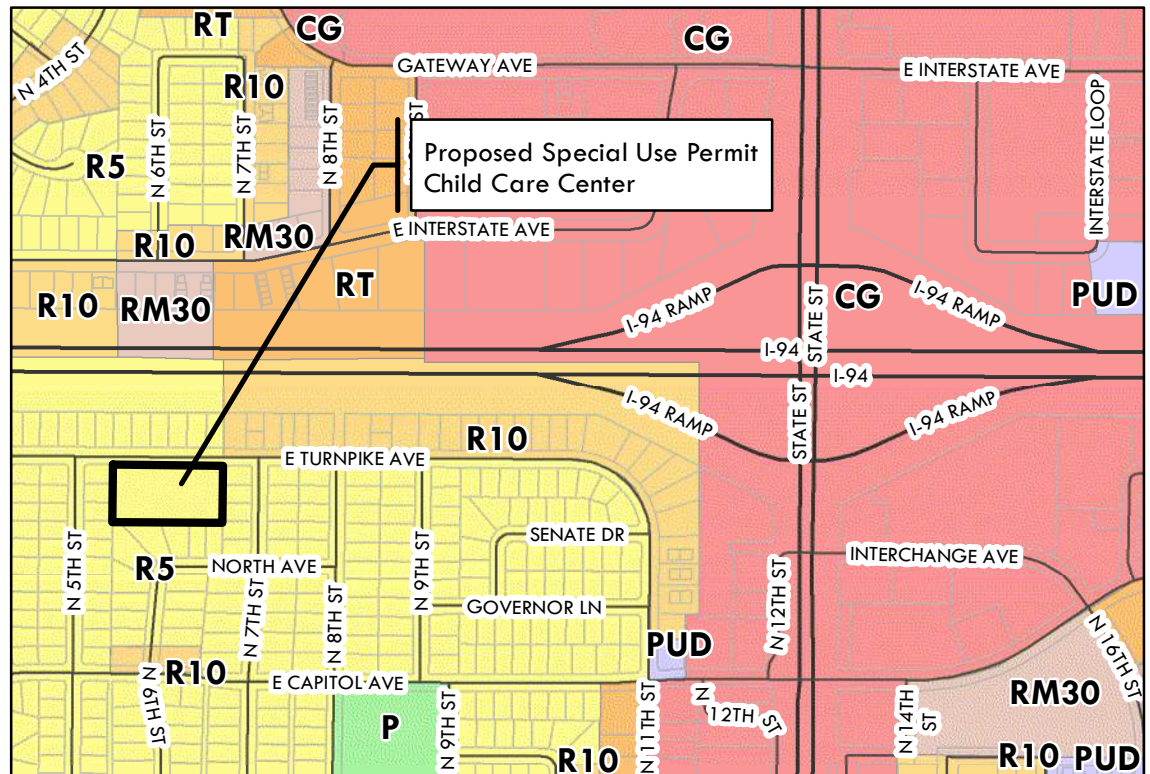
Zoning and Plan
Reference Map

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

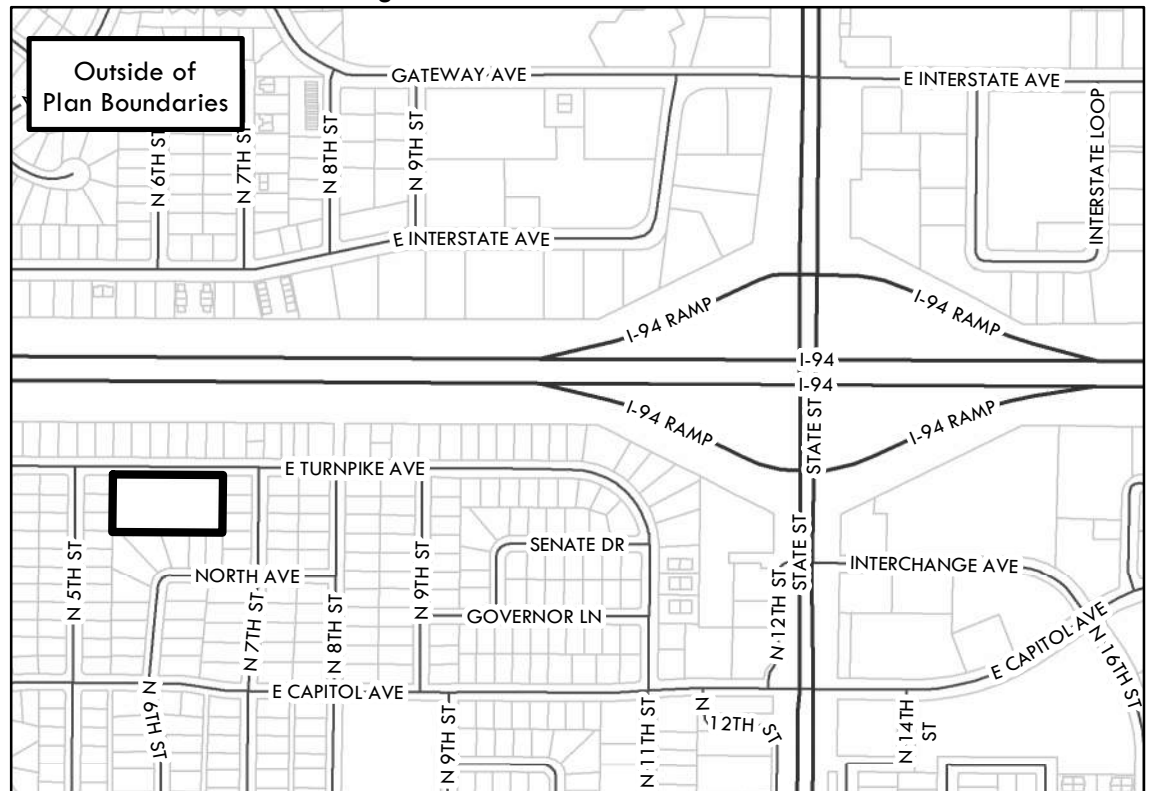
Zoning Map



Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Future Land Use Plan and Fringe Area Road Master Plan



Fringe Area Road Master Plan

- ● ● ● Planned Arterial
- ● ● ● Planned Collector

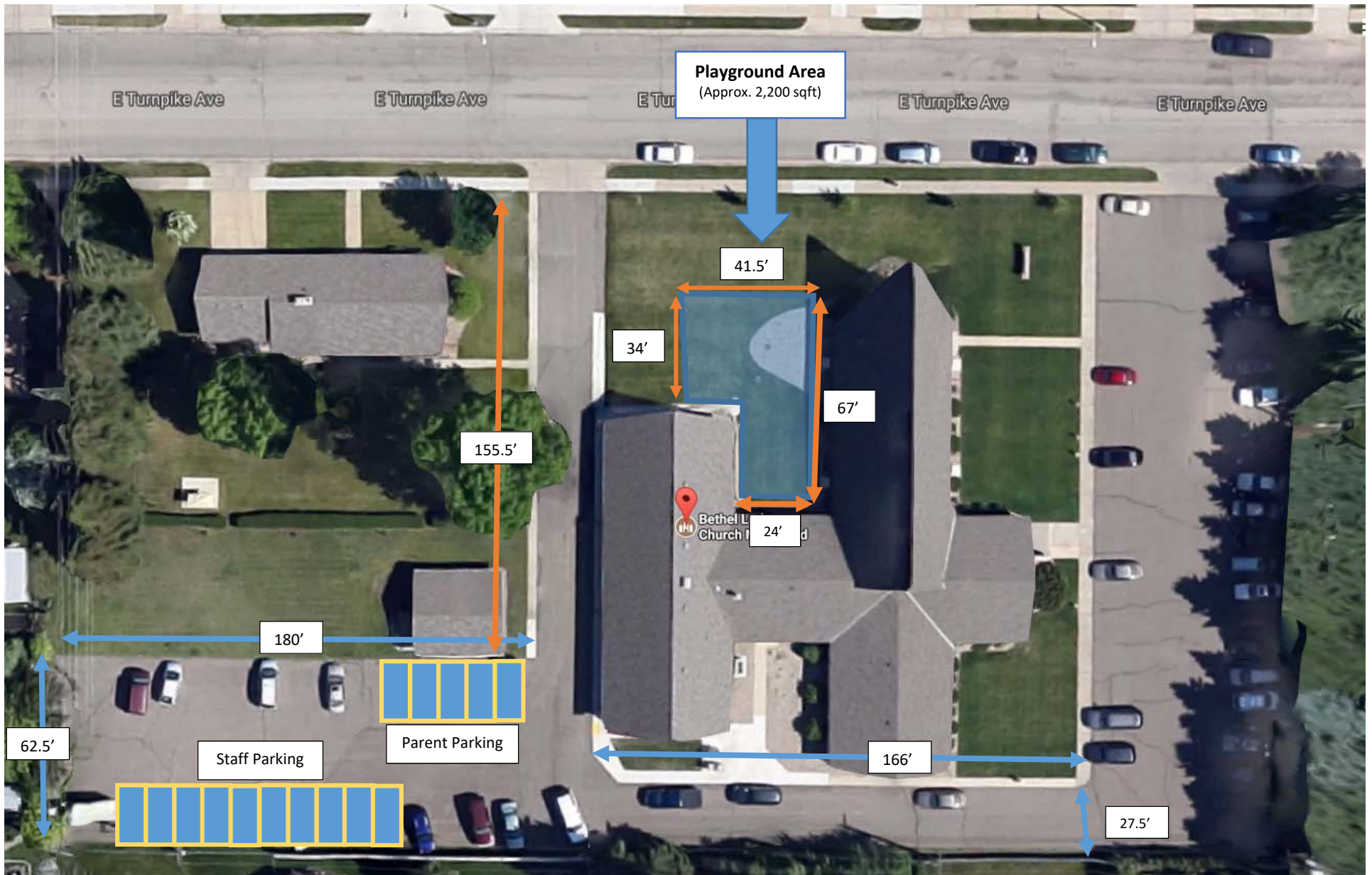
0 0.1 0.2 0.4 Miles

City Limits

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development Dept.
Planning Division
August 14, 2017





STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 9

August 23, 2017

Application for: Zoning Ordinance Text Amendment

TRAKiT Project ID: ZOTA2017-009

Project Summary

Title:	Accessory Buildings in RR – Residential, RR5 – Residential and A – Agricultural Districts
Status:	Planning & Zoning Commission – Public Hearing
Project Contact:	Kim L. Lee, AICP, Planning Manager
Sections Amended:	Sections 14-03-06 (Incidental Uses), 14-04-01 (RR Residential District), 14-04-01.1 (RR5 Residential District) and 14-04-17 (A Agricultural District)
Request:	Amend the Zoning Ordinance to increase the maximum wall height for accessory buildings in the RR, RR5 and A zoning districts to 16.5 feet.

Staff Analysis

Over the past few years, there has been a demand for increased wall heights for accessory buildings in the rural zoning districts (RR, RR5 and A). An increased wall height allows a higher clearance to accommodate taller vehicles, such as recreational vehicles. In order to maintain a 14-foot wall height, we have seen residents use scissor trusses to increase the clearance height inside the structure. We have also seen residents build a structure with a greater overhang and bring the soffit back to create the appearance of a 14-foot wall on the outside while maintaining 16 feet of clearance on the inside. With the proposed increase in wall height, the maximum building height will remain at 25 feet, so the impact on adjacent properties should be minimal.

Required Findings of Fact (relating to land use)

1. The proposed text amendment would not adversely affect the public health, safety or general welfare;
2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision

that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance;

3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance; and
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning ordinance text amendment for Sections 14-03-06 (Incidental Uses), 14-04-01 (RR Residential District), 14-04-01.1 (RR5 Residential District) and 14-04-17 (A Agricultural District) of the City Code of Ordinances, as outlined in the attached draft ordinance.

Attachments

1. Draft zoning ordinance text amendment

Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov

CITY OF BISMARCK

Ordinance No. XXXX

First Reading _____

Second Reading _____

Final Passage and Adoption _____

Publication Date _____

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-03-06, 14-04-01, 14-04-01.1 and 14-04-17 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO INCIDENTAL USES, THE RR RESIDENTIAL DISTRICT, THE RR5 RESIDENTIAL DISTRICT, THE A AGRICULTURAL DISTRICT AND ACCESSORY USES AND BUILDINGS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-06 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Incidental Uses is hereby amended and re-enacted to read as follows:

14-03-06. Incidental Uses. Permitted uses and approved special uses shall be deemed to include accessory uses and accessory structures that are customarily incidental to the principal use, subject to the following standards:

1. Accessory Uses and Buildings.

* * * * *

b. One and two-family residential accessory uses and buildings.

* * * * *

5. All allowable accessory buildings for a single-family rural residence in a rural residential zoning district (RR & RR5) shall be limited to a maximum area of fourteen hundred (1,400) square feet for lots of 40,000 square feet or less; to a maximum area of eighteen

hundred (1,800) square feet for lots between 40,000 square feet and 64,999 square feet; to a maximum area of twenty-four hundred (2,400) square feet for lots over 65,000 square feet, except as provided for herein. The maximum wall height shall be limited to ~~fourteen (14)~~ sixteen and one-half (16.5) feet and the maximum building height shall be limited to twenty-five (25) feet.

The allowable accessory buildings for a single-family rural residence on a lot in a rural residential zoning district (RR & RR5) with 40,000 to 64,999 square feet in area may be increased to a maximum of twenty-four hundred (2,400) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

The allowable accessory buildings for a single-family rural residence on a lot in a rural residential zoning district (RR & RR5) with more than 65,000 square feet in area may be increased to a maximum of thirty-two hundred (3,200) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

Accessory buildings for the above computations shall include the following buildings: barns, stables, storage buildings, garden sheds, chicken coops, and detached garages. Attached garages are not included in the above computations, provided the area occupied by an attached garage does not exceed one and one-half times the area of the footprint of the dwelling portion of the principal structure to which it is attached.

6. All allowable accessory buildings for a single-family rural residence in the agricultural zoning district (A) shall be limited to a maximum area of one (1) percent of the total lot area up to a maximum of five thousand (5,000) square feet. The maximum wall height shall be limited to ~~fourteen (14)~~ sixteen and one-half (16.5) feet

and the maximum building height shall be limited to twenty-five (25) feet.

The allowable accessory buildings for a single-family rural residence on a lot in the agricultural zoning district (A) with at least forty (40) acres in area, or the aliquot part of a corrective section intended to comprise a quarter-quarter section, provided such aliquot part is not less than thirty-five (35) acres in size, may be increased to a maximum of seventy-five hundred (7,500) square feet ~~and a maximum wall height of sixteen (16) feet~~ provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

The allowable accessory buildings for a single-family rural residence on a lot in the A - Agricultural zoning district with at least eighty (80) acres in area, or two aliquot parts of a corrective section intended to comprise two quarter-quarter sections, provide such aliquot parts are not less than seventy (70) acres in area when combined together, may be increased to a maximum of 15,000 square feet as a special use in accordance with the provisions of Sections 14-03-08 and 14-04-17.

Accessory buildings for the above computations shall include the following buildings: barns, stables, storage buildings, ~~garden sheds, chicken coops,~~ and detached garages. Attached garages are not included in the above computations, provided the area occupied by an attached garage does not exceed one and one-half times the area of the footprint of the dwelling portion of the principal structure to which it is attached.

★ ★ ★ ★ ★

Section 2. Amendment. Section 14-04-01 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the RR Residential District is hereby amended and re-enacted to read as follows:

14-04-01. RR Residential District. In any RR residential district, the following regulations shall apply:

* * * * *

10. Accessory Buildings. All allowable accessory buildings for a single-family residence shall be limited to a maximum of fourteen hundred (1,400) square feet for lots of 40,000 square feet or less; to a maximum of eighteen hundred (1,800) square feet for lots between 40,000 square feet and 64,999 square feet; and to a maximum of twenty-four hundred (2,400) square feet for lots over 65,000 square feet, except as provided herein. The maximum wall height shall be limited to ~~fourteen (14)~~ sixteen and one-half (16.5) feet and the maximum building height shall be limited to twenty-five (25) feet.

The allowable accessory buildings for a single-family rural residence on a lot with 40,000 to 64,999 square feet in area may be increased to a maximum of twenty-four hundred (2,400) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

The allowable accessory buildings for a single-family rural residence on a lot with more than 65,000 square feet in area may be increased to a maximum of thirty-two hundred (3,200) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

Accessory buildings for the above computations shall include the following buildings: barns, stables, storage buildings, garden sheds, chicken coops, and detached garages. Attached garages are not included in the above computations, provided the area occupied by an attached garage does not exceed one and one-half times the area of the footprint of the dwelling portion of the principal structure to which it is attached.

* * * * *

Section 3. Amendment. Section 14-04-04.1 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the RR5 Residential District is hereby amended and re-enacted to read as follows:

14-04-01.1. RR5 Residential District. In any RR5 residential district, the following regulations shall apply:

* * * * *

11. Accessory Buildings. All allowable accessory buildings for a single-family rural residence shall be limited to a maximum of thirty-two hundred (3,200) square feet. The maximum wall height shall be limited to ~~fourteen~~ (14) sixteen and one-half (16.5) feet and the maximum building height shall be limited to twenty-five (25) feet.

Accessory buildings for the above computations shall include the following buildings: barns, stables, storage buildings, garden sheds, chicken coops, and detached garages. Attached garages are not included in the above computations, provided the area occupied by an attached garage does not exceed one and one-half times the area of the footprint of the dwelling portion of the principal structure to which it is attached.

* * * * *

Section 4. Amendment. Section 14-04-17 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the A Agricultural District is hereby amended and re-enacted to read as follows:

14-04-17. "A" Agricultural District. In an A agricultural district, the following regulations shall apply:

* * * * *

12. Accessory Buildings. All allowable accessory buildings for a non-farm single-family rural residence shall be limited to a maximum of one (1) percent of the total area of the lot up to a maximum of five thousand (5,000) square feet. The maximum wall height shall be limited to ~~fourteen~~ (14) sixteen and one-half (16.5) feet and the maximum building height shall be limited to twenty-five (25) feet.

The allowable accessory buildings for a single-family rural residence a lot in the agricultural zoning district (A) with at least forty (40) acres in area, or the aliquot part

of a corrective section intended to comprise a quarter-quarter section, provided such aliquot part is not less than thirty-five (35) acres in size, may be increased to a maximum of seventy-five hundred (7,500) square feet ~~and a maximum wall height of sixteen (16) feet~~ provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

The allowable accessory buildings to a non-farm single-family residence may be increased to a maximum of fifteen thousand (15,000) square feet in area, provided:

a. The property on which the accessory building(s) is to be located is no less than 80 acres in area, or two aliquot parts of a corrective section intended to comprise two quarter-quarter sections, provided such aliquot parts when combined are not less than seventy (70) acres in area.

b. The property on which the accessory building(s) is to be located is at least two (2) miles from the current corporate limits of Bismarck.

c. A special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

Accessory buildings for the above computations shall include the following buildings: barns, stables, ~~and storage buildings, garden sheds, chicken coops, and attached and~~ detached garages. Attached garages are not included in the above computations, provided the area occupied by an attached garage does not exceed one and one-half times the area of the footprint of the dwelling portion of the principal structure to which it is attached.

* * * * *

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. Effective Date. This ordinance shall take effect following final passage, adoption and publication.

**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
July 26, 2017**

The Bismarck Planning & Zoning Commission met on July 26, 2017, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chairman Yeager presided.

Commissioners present were Tom Atkinson, Vernon Laning, Doug Lee, Mike Schwartz, Mike Seminary, Lisa Waldoch and Wayne Yeager.

Commissioners Susan Axvig, Brian Bitner, Mike Donahue and Gabe Schell were absent.

Staff members present were Carl Hokenstad – Director of Community Development, Kim Lee – Planning Manager, Will Hutchings – Planner, Jenny Wollmuth – Planner, Daniel Nairn – Planner, Brady Blaskowski – Building Official, Andrew Stromme- Planning Intern, Hilary Balzum – Community Development Administrative Assistant, Charlie Whitman – City Attorney and Jason Hammes – Assistant City Attorney.

Chairman Yeager welcomed and introduced Andrew Stromme as the Planning Intern for Community Development. He said Mr. Stromme will be presenting a public hearing item later on in the meeting.

Chairman Yeager asked Ms. Wollmuth to stand and be recognized for her accomplishment in obtaining her American Institute of Certified Planners (AICP) designation. Ms. Wollmuth was applauded and congratulated for her achievement by those in attendance

MINUTES

Chairman Yeager called for consideration of the minutes of the June 28, 2017 meeting.

MOTION: Commissioner Laning made a motion to approve the minutes of the June 28, 2017 meeting, as presented. Commissioner Waldoch seconded the motion and it was unanimously approved with Commissioners Atkinson, Laning, Lee, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

CONSIDERATION

- A. LOTS 16-20, BLOCK 4, SOUTH MEADOWS ADDITION (TO BE REPLATTED AS SOUTH MEADOWS ADDITION SECOND REPLAT) – ZONING CHANGE**
- B. HR SUBDIVISION – PRELIMINARY PLAT AND ZONING CHANGE**
- C. SECTIONS 14-03-06 (INCIDENTAL USES), 14-04-01 (RR RESIDENTIAL DISTRICT) AND 14-04-01.1 (RR5 RESIDENTIAL DISTRICT) AND 14-04-17 (A AGRICULTURAL DISTRICT) – ZONING ORDINANCE TEXT AMENDMENT**

Chairman Yeager called for consideration of the following consent agenda items:

- A. Lots 16-20, Block 4, South Meadows Addition (to be replatted as South Meadows Addition Second Replat) – Zoning Change
- B. HR Subdivision – Preliminary Plat and Zoning Change
- C. Sections 14-03-06 (Incidental Uses), 14-04-01 (RR Residential District) and 14-04-01.1 (RR5 Residential District) and 14-04-17 (A Agricultural District) – Zoning Ordinance Text Amendment

MOTION: Based on the findings contained in the staff reports, Commissioner Lee made a motion to approve consent agenda items A, B and C, granting tentative approval or calling for public hearings on the items, as recommended by staff. Commissioner Waldoch seconded the motion and it was unanimously approved with Commissioners Atkinson, Laning, Lee, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

Apple Creek Township Supervisor Paul Zent joined the meeting at this time.

**PUBLIC HEARING – RURAL RESIDENTIAL LOT SPLIT
PART OF LOT 10, BLOCK 1, BARBIE’S NEIGHBORHOOD SUBDIVISION**

Chairman Yeager called for a public hearing on a rural residential lot split for the South 363.3 feet of Lot 10, Block 1, Barbie’s Neighborhood Subdivision. The property is located east of Bismarck, south of East Main Avenue/County Highway 10 and east of 52nd Street NE.

Mr. Nairn gave an overview of the request, including the following findings related to land use:

1. All technical requirements for approval of a rural residential lot split have been met.
2. The resulting parcels would meet the minimum lot width, depth and area requirements of the zoning district in which it is located.
3. The Apple Creek Township Board of Supervisors has been informed for the proposed lot split.
4. The proposed lot split is compatible with adjacent land uses.
5. The proposed lot split and the resulting parcels would not place an undue burden on existing public services and facilities.
6. The proposed lot split complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.

7. The lot split is consistent with the master plan, other adopted plans, policies and accepted planning practice.
8. The proposed lot split would not adversely affect the public health, safety and general welfare.

Mr. Nairn said, based on the findings contained in the staff report, staff recommends approval of the rural residential lot split for the South 363.3 feet of Lot 10, Block 1 Barbie's Neighborhood Subdivision, with the understanding that the lot split will not be final until the required plats of irregular description are prepared, signed by the County Engineer, and recorded with the Burleigh County Recorder's Office.

Commissioner Seminary asked for a description of auditors lots and what they are used for. Mr. Nairn said they are plats of irregular description and are an instrument used for taxation and for the transfer of property, which distinguishes them from a plat or subdivision.

Chairman Yeager opened the public hearing.

Donovan Voeller, 225 52nd Street NE, said he lives down the road from this property and would not have any concerns as long as it is only being split in order for there to be another house built. He said there was a previous proposal by an adjacent owner to annex this lot to serve a new urban development proposed behind his property, which was denied. He said he was surprised to see that now they want to split the lot and the newly created lot could very easily serve as an access or utility easement to allow for further urban development to the east. He said he likes low-density residential lots and has no desire to become part of the City. He said if this request is approved, the owner could sell the other lot to a developer who could in turn build a road to serve the proposed development.

Mr. Nairn said Mr. Voeller is correct in that an annexation and rezoning request was proposed but staff did not support it, so it was never brought before this Commission. He said the Future Land Use Plan has designated this area as rural residential and splitting the lot would not change the zoning, so any type of urban redevelopment would have to be approved through the appropriate channels.

Mr. Zent said Apple Creek Township does not have any plans for additional roads to be built in this location either.

Mr. Kinnischtzke said he has children who would like to someday have homes built so that is what he had the property surveyed for. He said building a house for his kids on the new lot would also stop any access easements to the property to the east in the future as well.

There being no further comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to approve the rural residential lot split for the South 363.3 feet of Lot 10, Block 1 Barbie's Neighborhood Subdivision, with the understanding that

the lot split will not be final until the required plats of irregular description are prepared, signed by the County Engineer, and recorded with the Burleigh County Recorder's Office. Commissioner Schwartz seconded the motion and the request was unanimously approved with Mr. Zent and Commissioners Atkinson, Laning, Lee, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – ZONING CHANGE
TRACT 205 OF THE NW1/4 OF SECTION 2, T138N/R80W/CITY LANDS**

Chairman Yeager called for a public hearing on a zoning change from the P-Public zoning district to the MA-Industrial zoning district for Tract 205 of the NW1/4 of Section 2, T138N-R80W/City Lands. The property is located in east Bismarck, between East Main Avenue and the BNSF rail line, along the east side of South 26th Street.

Ms. Wollmuth gave an overview of the request, including the following findings related to land use:

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed zoning change is compatible with adjacent land uses and zoning.
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner.
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends approval of the zoning change from the P – Public zoning district to the MA – Industrial zoning district for Tract 205 of the NW¼ of Section 2, T138N-R80W City Lands.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Seminary made a motion to recommend approval of the zoning change from the P – Public zoning district to the MA – Industrial zoning district for Tract 205 of the NW¼ of Section 2, T138N-R80W City Lands. Commissioner Lee seconded the motion and the request was unanimously approved with Commissioners Atkinson, Laning, Lee, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE

LOTS 1-6, BLOCK 81, ALL OF BLOCK 88, AND ALL OF THE VACATED AVENUE F ADJACENT TO BLOCKS 81 AND 88, MONSON'S SUBDIVISION AND LOTS 9-24, BLOCK 81, MCKENZIE AND COFFIN'S ADDITION (ST. MARY'S CENTRAL HIGH SCHOOL PROPERTY)

Chairman Yeager called for a public hearing on a zoning change from the RM30-Residential zoning district to the Conditional RT-Residential zoning district for Lots 1-6, Block 81, all of Block 88, and all of the vacated Avenue F adjacent to Blocks 81 and 88, Monson's Subdivision and Lots 9-24, Block 81, McKenzie and Coffin's Addition (St. Mary's Central High School Property). The property is located in central Bismarck, between East Boulevard Avenue and East Avenue E, along the west side of North 3rd Street.

Ms. Wollmuth gave an overview of the request, including the following findings related to land use:

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed zoning change is compatible with adjacent land uses and zoning.
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner.
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.

7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends approval of the zoning change from the RM30 – Residential zoning district and the RT – Residential zoning district to the Conditional RT – Residential zoning district for Lots 1-6, Block 81, all of Block 88, and all of the vacated Avenue F adjacent to Blocks 81 and 88, Monson's Subdivision and Lots 9-24, Block 81, McKenzie and Coffin's Addition with the following conditions:

1. The development of the site is limited to campus uses associated with educational and religious facilities.
2. The overall heights of buildings are limited to three stories in height.
3. All other development standards shall be as outlined in Section 14-04-08, RT – Residential District, of the City Code of Ordinances.

Commissioner Laning asked what the procedure would be in the event somebody wanted to recover the vacated Avenue F. Ms. Wollmuth said the property would have to be replatted and a standard size Avenue F right-of-way would have to be dedicated.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to recommend approval of the zoning change from the RM30 – Residential zoning district and the RT – Residential zoning district to the Conditional RT – Residential zoning district for Lots 1-6, Block 81, all of Block 88, and all of the vacated Avenue F adjacent to Blocks 81 and 88, Monson's Subdivision and Lots 9-24, Block 81, McKenzie and Coffin's Addition with the following conditions: 1. The development of the site is limited to campus uses associated with educational and religious facilities; 2. The overall heights of buildings are limited to three stories in height; and 3. All other development standards shall be as outlined in Section 14-04-08, RT – Residential District, of the City Code of Ordinances. Commissioner Schwartz seconded the motion and the request was unanimously approved with Commissioners Atkinson, Laning, Lee, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – ZONING CHANGE
LOT 2, BLOCK 1, WACHTER’S 17TH ADDITION AND LOT 1, BLOCK 1,
WACHTER’S 18TH ADDITION**

Chairman Yeager called for a public hearing on a zoning change from the MA – Industrial zoning district to the CG – Commercial zoning district on Lot 2, Block 2, Wachter’s 17th Addition and Lot 1, Block 1, Wachter’s 18th Addition. The property is located in south Bismarck, along the south side of Bismarck Expressway between University Drive and South 12th Street.

Ms. Lee gave an overview of the request, including the following findings related to land use:

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed zoning change is compatible with adjacent land uses and zoning.
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner.
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Ms. Lee said, based on the findings contained in the staff report, staff recommends approval of the zoning change from the MA – Industrial zoning district to the CG – Commercial zoning district on Lot 2, Block 2, Wachter’s 17th Addition and Lot 1, Block 1, Wachter’s 18th Addition.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Schwartz made a motion to recommend approval of the zoning change from the MA – Industrial zoning district to the CG – Commercial zoning district on Lot 2, Block 2, Wachter’s 17th Addition and Lot 1, Block 1, Wachter’s 18th Addition. Commissioner Waldoch seconded the motion and the request was unanimously approved with Commissioners Atkinson, Laning, Lee, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE

LOT 6, BLOCK 3, SLEEPY HOLLOW HEIGHTS 2ND ADDITION AND LOT 9, BLOCK 4, SLEEPY HOLLOW HEIGHTS 5TH ADDITION, AND LOT 1, BLOCK 1, SLEEPY HOLLOW HEIGHTS 2ND ADDITION AND LOT 8 AND AUDITOR’S LOT A OF LOT 10, BLOCK 4, SLEEPY HOLLOW HEIGHTS 5TH ADDITION (3032 SLEEPY HOLLOW LOOP AND 3100 SLEEPY HOLLOW LOOP)

Chairman Yeager called for a public hearing on a zoning change from the R5 – Residential zoning district and the R10 – Residential zoning district to the R10 – Residential zoning district for Lot 6, Block 3, Sleepy Hollow Heights 2nd Addition and Lot 9, Block 4, Sleepy Hollow Heights 5th Addition, and Lot 1, Block 1, Sleepy Hollow Heights 2nd Addition and Lot 8 and Auditor’s Lot A of Lot 10, Block 4, Sleepy Hollow Heights 5th Addition. The property is located in northeast Bismarck, south of East Divide Avenue, south of North 33rd Street, along the west side of Sleepy Hollow.

Ms. Wollmuth gave an overview of the request, including the following findings related to land use:

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed zoning change is compatible with adjacent land uses and zoning.
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner.
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends approval of the zoning change from the the R5 – Residential zoning district and the R10 – Residential zoning district to the R10 – Residential zoning district for Lot 6, Block 3, Sleepy Hollow Heights 2nd Addition and Lot 9, Block 4, Sleepy Hollow Heights 5th Addition, and Lot 1, Block 1, Sleepy Hollow Heights 2nd Addition and Lot 8 and Auditor’s Lot A of Lot 10, Block 4, Sleepy Hollow Heights 5th Addition.

Commissioner Atkinson asked how wide the R5-Residential portion of this property is now. Ms. Wollmuth said it was originally intended for a private drive so each half (Lot 8 and Lot 9) is around 15 feet wide.

Chairman Yeager opened the public hearing.

Written comments in opposition to this request are attached as Exhibit A.

There being no further comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to recommend approval of the zoning change from the R5 – Residential zoning district and the R10 – Residential zoning district to the R10 – Residential zoning district for Lot 6, Block 3, Sleepy Hollow Heights 2nd Addition and Lot 9, Block 4, Sleepy Hollow Heights 5th Addition, and Lot 1, Block 1, Sleepy Hollow Heights 2nd Addition and Lot 8 and Auditor’s Lot A of Lot 10, Block 4, Sleepy Hollow Heights 5th Addition. Commissioner Laning seconded the motion and the request was unanimously approved with Commissioners Atkinson, Laning, Lee, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – SPECIAL USE PERMIT (DRIVE-THROUGH)
LOT 2B OF LOT 2, BLOCK 1, SUNRISE TOWN CENTRE ADDITION**

Chairman Yeager called for the public hearing on a request for a special use permit to allow the operation of a drive-through in conjunction with a new restaurant (Burger King) on Lot 2B of Lot 2, Block 1, Sunrise Town Centre Addition (3102 Yorktown Drive). The property is located in northeast Bismarck, north of East Century Avenue, between Centennial Road and Yorktown Drive.

Mr. Stromme gave an overview of the request, including the following findings related to land use:

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.

2. The proposed special use is compatible with adjacent land uses and zoning.
3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.
4. Adequate public facilities and services are in place or would be provided at the time of development.
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity.
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic.
7. The proposed special use permit is consistent with the master plan, other adopted plans, policies and accepted planning practice.
8. The proposed special use would not adversely affect the public health, safety and general welfare.

Mr. Stromme said, based on the findings contained in the staff report, staff recommends approval of the special use permit to allow the operation of a drive-through in conjunction with a new restaurant on Lot 2B of Lot 2, Block 1, Sunrise Town Centre, with the following condition:

1. Development of the site must generally conform to the site plan submitted with the application.

Commissioner Atkinson said it does not appear that any access to the restaurant would be off of Centennial and asked if that is correct. Mr. Stromme said that is correct.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Laning made a motion to approve the special use permit to allow the operation of a drive-through in conjunction with a new restaurant on Lot 2B of Lot 2, Block 1, Sunrise Town Centre, with the following condition: 1. Development of the site must generally conform to the site plan submitted with the application. Commissioner Lee seconded the motion and the request was unanimously approved with Commissioners Atkinson, Laning, Lee, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – SPECIAL USE PERMIT (ACCESSORY BUILDING)
LOT 2, BLOCK 3, HARVEST GROVE THIRD SUBDIVISION**

Chairman Yeager called for a public hearing on a request for a special use permit to increase the maximum area of accessory buildings on a lot to 3,200 square feet on Lot 2, Block 3, Harvest Grove Third Subdivision. The property is located north of Bismarck, west of US Highway 83, north of 84th Avenue NE, along the east side of Caraway Drive.

Mr. Hutchings gave an overview of the request, including the following findings related to land use:

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.
2. The proposed special use is compatible with adjacent land uses and zoning.
3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.
4. Adequate public facilities and services are in place or would be provided at the time of development.
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity.
6. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice
7. The proposed special use would not adversely affect the public health, safety and general welfare.

Mr. Hutchings said, based on the findings contained in the staff report, staff recommends approval of the special use permit to increase the area of accessory buildings on a lot to 3,200 square feet for Lot 2, Block 3, Harvest Grove Third Subdivision.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to approve the special use permit to increase the area of accessory buildings on a lot to 3,200 square feet for Lot 2, Block 3, Harvest Grove Third Subdivision. Commissioner Laning seconded the motion and the request was unanimously approved Commissioners Atkinson, Laning, Lee, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT
SECTIONS 14-03-06 (INCIDENTAL USES), 14-04-01 (RR RESIDENTIAL
DISTRICT) AND 14.04-01.1 (RR5 RESIDENTIAL DISTRICT) RELATING TO THE
KEEPING OF CHICKENS**

Chairman Yeager called for the public hearing on a zoning ordinance text amendment relating to the keeping of chickens in the rural residential districts.

Mr. Hutchings explained that at the May 24, 2017 meeting of the Planning and Zoning Commission, staff indicated that the Planning Division has received requests to allow chickens in rural residential zoning districts, and the general consensus of those present at the meeting was for staff to investigate and draft an ordinance amendment for consideration. He said a draft ordinance was considered and a public hearing was called for at the June 28, 2017 meeting of the Planning and Zoning Commission.

Mr. Hutchings then gave the following findings:

1. The proposed text amendment would not adversely affect the public health, safety or general welfare.
2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance.
3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Mr. Hutchings said based on the findings in the staff report, staff recommends approval of the zoning ordinance text amendment for Sections 14-03-06 (Incidental Uses), 14-04-01 (RR - Residential District) and 14-04-01.1 (RR5 - Residential District) of the Bismarck Code of Ordinances related to the keeping of chickens in rural residential zoning districts, as presented.

Chairman Yeager opened the public hearing.

Mr. Zent said this has been an allowable use in Apple Creek Township for quite some time and even with allowing roosters they have not had any issues.

Scott Harmstead, 2840 Keith Drive, said they have chickens and some of his neighbors even have other animals, such as alpacas. He said it seems common sense to allow chickens in these zoning districts and asked for clarification on other animals allowed in the ETA.

Mr. Hutchings said the zoning ordinance does allow animal husbandry for educational purposes only, as long as the site remains clean and does not become a nuisance. He added that a certain number of horses are also allowed beyond educational purposes.

Ms. Lee said the zoning ordinance was changed to allow that use for educational purposes without a maximum number of animals. She said if it goes beyond educational purposes it would be considered a zoning violation.

Mr. Harmstead thanked Planning staff for working on this ordinance and said he fully supports it.

Mr. Zent said Apple Creek Township also has a maximum number of animals based on acreage and feels it works well and is better controlled.

There being no further comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to recommend approval of the zoning ordinance text amendment for Sections 14-03-06 (Incidental Uses), 14-04-01 (RR - Residential District) and 14-04-01.1 (RR5 - Residential District) of the Bismarck Code of Ordinances related to the keeping of chickens in rural residential zoning districts, as presented. Commissioner Atkinson seconded the motion and the request was unanimously approved with Commissioners Atkinson, Laning, Lee, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT
SECTIONS 14-03-08 (SPECIAL USES) AND 14-04-08 (RT RESIDENTIAL
DISTRICT) RELATING TO DRIVE-IN/DRIVE-THROUGH RETAIL OR SERVICE
ESTABLISHMENTS**

Chairman Yeager called for a public hearing on a zoning ordinance text amendment relating to Special Uses, the RT Residential District and Drive-In/Drive-through Facilities for Banks.

Ms. Lee explained that the proposed amendment would allow drive-in/drive-through facilities for banks in the RT – Residential zoning district if located adjacent to an arterial roadway.

Ms. Lee explained that there are several areas within the community that are zoned RT – Residential and located adjacent to an arterial roadway. She said banks are currently allowed as a permitted use within the RT – Residential zoning district, but a drive-in/drive-through facility for a bank is not allowed in that zoning district. Ms Lee added that most, if not all, banks have a need for drive-in/drive-through facilities, so it seems reasonable to allow such facilities in locations adjacent to arterial roadways. She said with the advent of on-line banking, the presence of a drive-in/drive-through facility for a bank is expected to have less traffic than in the past and would have less impact on adjacent uses, especially if they are only allowed adjacent to an arterial roadway.

Ms. Lee then gave the following findings related to land use:

1. The proposed text amendment would not adversely affect the public health, safety or general welfare.
2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance.
3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Lee said, based on the findings in the staff report, staff recommends approval of the zoning ordinance text amendment for Section 14-03-08 (Special Uses) and Section 14-04-08 (RT – Residential District) of the City Code of Ordinances, as presented.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Schwartz made a motion to recommend approval of the zoning ordinance text amendment for Section 14-03-08 (Special Uses) and Section 14-04-08 (RT – Residential District) of the City Code of Ordinances, as presented. Commissioner Lee seconded the motion and the request was unanimously approved with Commissioners Atkinson, Laning, Lee, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

OTHER BUSINESS

There was no other business to discuss at this time.

ADJOURNMENT

There being no further business, Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 5:39 p.m. to meet again on August 23, 2017.

Respectfully submitted,

Hilary Balzum
Recording Secretary

Wayne Yeager
Chairman

DRAFT



Community Development Department

Dear Property Owner:

Please be advised that the Bismarck Planning & Zoning Commission will be conducting a public hearing on Wednesday, July 26, 2017, at 5:00 p.m. in the Tom Baker Meeting Room, City-County Office Building, 221 North 5th Street, Bismarck, North Dakota, which may be of interest to you.

City of Bismarck is requesting a zoning change from the R5-Residential and R10-Residential zoning districts to the R10-Residential zoning district for Lot 6, Block 3, Sleepy Hollow Heights 2nd Addition and Lot 9, Block 4, Sleepy Hollow Heights 5th Addition, and Lot 1, Block 1, Sleepy Hollow Heights 2nd Addition and Lot 8 and Auditor's Lot A of Lot 10, Block 4, Sleepy Hollow Heights 5th Addition. The property is located in northeast Bismarck, south of East Divide Avenue, west of North 33rd Street, along the west side of Sleepy Hollow Loop.

The existing zoning allows the following major uses: R5-Residential – single-family dwellings, up to 5 units per acre; and R10-Residential – single and two-family dwellings, up to 10 units per acre.

The proposed zoning change would allow the following major uses: R10-Residential – single and two-family dwellings, up to 10 units per acre.

A map showing the location involved in the request is enclosed for your information.

At the hearing, the Bismarck Planning & Zoning Commission will provide an opportunity for all interested persons to be heard with respect to this item. Interested persons may also submit written comments regarding this request prior to the meeting to the Community Development Department ~ Planning Division, PO Box 5503, Bismarck, North Dakota 58506-5503, fax: 701- 222-6450, or e-mail - planning@bismarcknd.gov.

The agenda packet for the meeting, which will include a staff report for this request, will be posted online at www.bismarcknd.gov, under Agendas and Minutes/City Planning and Zoning Commission by the end of the day on Friday, July 21st. The meeting will also be aired live on Government Access – Cable Channel 2 and can be viewed on-line at freetv.org under Government Access/Bismarck Planning and Zoning Commission.

Additional information on this request can be found by going to our on-line Land Records Management System, eTRAKiT, at <http://www.etrakit.bismarcknd.gov> and searching for project number ZC2017-013.

If you have any questions or need any additional information on this request, please contact Jenny Wollmuth, the planner in our office assigned to this request, at 355-1845.

Bismarck Community Development Department ~ Planning Division

JW/hlb

Enc: Location Map

OVER



7-29-17

We strongly urge the zoning Commissioners to deny this rezoning request, to change from R5 to R10.

the reasons being:

1. this would decrease the Single Family home Value.
2. this would increase the Residential traffic.
3. this is A nice living area
lets Keep it that way.

Thanks for your Consideration.

Home owners

Lester & Virginia Schuman
3119 Sleepy Hollow Loop.

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 7/2017

*****City*****

*****ETA*****

	7/2017		7/2016		7/2017		7/2016	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	18	\$3,591,280.75	8	\$1,577,753.94	3	\$742,344.05	3	\$601,556.00
ROWHOUSE (2) 1-HR FIRE SEPARATION	42	\$7,137,169.70	8	\$1,413,411.25	0	\$0.00	0	\$0.00
FIVE OR MORE FAMILY	0	\$0.00	1	\$3,750,000.00	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	0	\$0.00	5	\$0.00	0	\$0.00	0	\$0.00
HOTELS	0	\$0.00	1	\$2,500.00	0	\$0.00	0	\$0.00
INDUSTRIAL BUILDINGS	0	\$0.00	1	\$2,991,830.00	0	\$0.00	0	\$0.00
ROOM ADDITIONS	1	\$52,152.00	3	\$79,992.25	2	\$138,189.00	2	\$125,046.25
RESIDENTIAL GARAGES	9	\$63,784.00	8	\$62,112.00	11	\$292,716.00	9	\$218,208.00
DECKS PORCHES & COVERED PATIOS	33	\$101,070.00	23	\$64,342.00	6	\$19,515.00	6	\$13,350.00
OTHER	7	\$198,459.34	3	\$19,189.00	1	\$11,200.00	1	\$41,000.00
HOME OCCUPATION	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
STORAGE SHEDS	1	\$2,400.00	3	\$7,593.00	0	\$0.00	2	\$7,920.00
BASEMENT FINISH	5	\$27,094.00	9	\$55,964.50	2	\$11,400.00	3	\$11,309.75
COMMERCIAL BUILDINGS	13	\$1,437,444.31	19	\$4,776,079.00	0	\$0.00	0	\$0.00
OFFICE BUILDINGS	1	\$15,000.00	0	\$0.00	0	\$0.00	0	\$0.00
NURSERY STOCK SALES	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
MISC TEMPORARY STRUCTURES	1	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	2	\$10,901.43	0	\$0.00	0	\$0.00	0	\$0.00
SIGN ALTERATION	3	\$7,487.00	0	\$0.00	0	\$0.00	0	\$0.00
Total	136	\$12,644,242.53	95	\$14,800,766.94	25	\$1,215,364.05	26	\$1,018,390.00

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 7/2017

*****City*****

*****ETA*****

	7/2017		7/2016		7/2017		7/2016	
Trade Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	89	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC ALTERATION	0	\$0.00	36	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC NEW RESIDENTIAL	0	\$0.00	27	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC SERVICE UPGRADE	1	\$0.00	38	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ACCESSORY	0	\$0.00	3	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL MOBILE HOME	8	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL NEW COMMERCIAL	0	\$0.00	22	\$16,900.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL POOL	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	126	\$758,520.50	0	\$0.00	11	\$63,772.00	0	\$0.00
BUILDING MECHANICAL ALTERATION	0	\$0.00	8	\$53,513.00	0	\$0.00	4	\$3,464,925.00
BUILDING MECHANICAL FIREPLACE	0	\$0.00	14	\$43,000.00	0	\$0.00	3	\$8,200.00
BUILDING MECHANICAL HVAC APPLIANCE	0	\$0.00	46	\$272,383.00	0	\$0.00	7	\$28,775.00
BUILDING MECHANICAL NEW CONSTRUCTION	0	\$0.00	70	\$1,470,883.00	0	\$0.00	7	\$163,090.00
BUILDING MECHANICAL WATER HEATER	0	\$0.00	30	\$44,596.29	0	\$0.00	2	\$2,115.00
BUILDING PLUMBING	63	\$873,888.00	57	\$904,984.00	13	\$184,962.00	6	\$615,568.00
BUILDING SEPTIC	0	\$0.00	1	\$0.00	5	\$0.00	4	\$0.00
Total	287	\$1,632,408.50	353	\$2,806,259.29	29	\$248,734.00	33	\$4,282,673.00

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 7/2017

	*****City*****		*****ETA*****	
	7/2017	7/2016	7/2017	7/2016
Living Units	Units	Units	Units	Units
HOTELS	0	111	0	0
FIVE OR MORE FAMILY	0	48	0	0
MANUFACTURED HOMES	0	5	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	42	8	0	0
SINGLE FAMILY DETACHED	18	8	2	3
Total	60	180	2	3

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 7/2017

*****City*****

*****ETA*****

	7/2017		7/2016		7/2017		7/2016	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	113	\$22,364,027.09	120	\$24,701,933.67	24	\$5,994,580.63	19	\$4,928,433.75
ROWHOUSE (2) 1-HR FIRE SEPARATION	84	\$14,523,200.70	101	\$15,124,839.50	0	\$0.00	0	\$0.00
ROWHOUSE	0	\$0.00	6	\$576,000.00	0	\$0.00	0	\$0.00
2-UNIT DUPLEX OR CONDO	0	\$0.00	6	\$1,050,342.00	0	\$0.00	0	\$0.00
FIVE OR MORE FAMILY	0	\$0.00	2	\$8,036,000.00	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	25	\$0.00	31	\$0.00	0	\$0.00	0	\$0.00
MOBILE HOME	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
MOBILE HOME EXTRAS	0	\$0.00	1	\$1,800.00	0	\$0.00	0	\$0.00
HOTELS	0	\$0.00	1	\$2,500.00	0	\$0.00	0	\$0.00
NON-STRUCTURAL DEVELOPMENT	2	\$0.00	4	\$110,000.00	0	\$0.00	0	\$0.00
AMUSEMENT & RECREATION	0	\$0.00	1	\$125,750.00	0	\$0.00	0	\$0.00
CHURCHES & RELIGIOUS	0	\$0.00	1	\$99,622.00	0	\$0.00	0	\$0.00
INDUSTRIAL BUILDINGS	1	\$2,500,000.00	16	\$3,008,830.00	0	\$0.00	0	\$0.00
HOSPITALS & INSTITUTIONAL	0	\$0.00	4	\$155,000.00	0	\$0.00	0	\$0.00
OFFICE; BANK; & PROFESSIONAL BUILDINGS	1	\$70,565.00	5	\$3,280,139.00	0	\$0.00	0	\$0.00
SCHOOLS & EDUCATIONAL	1	\$6,847,730.00	2	\$3,265,847.00	0	\$0.00	1	\$18,000,000.00
RETAIL SALES	1	\$55,000.00	5	\$2,488,600.00	0	\$0.00	0	\$0.00
OTHER NEW	3	\$3,077,983.00	1	\$175,000.00	0	\$0.00	0	\$0.00
ROOM ADDITIONS	13	\$312,369.38	19	\$784,993.50	12	\$825,925.00	13	\$425,765.75
RESIDENTIAL GARAGES	55	\$483,880.00	44	\$538,262.02	56	\$1,256,612.00	48	\$1,032,930.00
DECKS PORCHES & COVERED PATIOS	134	\$407,370.00	142	\$497,468.02	22	\$92,407.50	18	\$66,465.00
SWIMMING POOLS & SPAS	5	\$307,420.85	5	\$353,056.70	4	\$342,331.00	3	\$166,618.00
OTHER	45	\$1,130,792.34	41	\$1,127,083.48	9	\$436,410.08	7	\$215,600.00

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 7/2017

*****City*****

*****ETA*****

	7/2017		7/2016		7/2017		7/2016	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
HOME OCCUPATION	6	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
STORAGE SHEDS	11	\$30,840.00	17	\$52,598.00	3	\$8,772.00	6	\$61,200.00
BASEMENT FINISH	87	\$403,158.75	106	\$526,453.00	22	\$151,156.50	29	\$165,568.85
COMMERCIAL BUILDINGS	109	\$54,616,013.69	123	\$16,916,616.00	1	\$1,482,274.00	10	\$730,000.00
OFFICE BUILDINGS	1	\$15,000.00	1	\$7,500.00	0	\$0.00	0	\$0.00
PUBLIC BUILDING	1	\$350,000.00	0	\$0.00	0	\$0.00	0	\$0.00
MULTI-FAMILY TO SINGLE-FAMILY	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL	3	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
COMMERCIAL	5	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
FIREWORKS SALES	0	\$0.00	0	\$0.00	11	\$0.00	13	\$0.00
NURSERY STOCK SALES	4	\$0.00	5	\$0.00	0	\$0.00	0	\$0.00
MISC TEMPORARY STRUCTURES	6	\$0.00	14	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	50	\$518,070.29	61	\$486,310.84	0	\$0.00	0	\$0.00
SIGN ALTERATION	5	\$54,987.00	11	\$128,349.04	0	\$0.00	0	\$0.00
Total	771	\$108,068,408.09	902	\$83,620,893.77	164	\$10,590,468.71	167	\$25,792,581.35

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 7/2017

*****City*****

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	7/2017		7/2016		7/2017		7/2016	
Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	605	\$2,600.00	2	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC ALTERATION	0	\$0.00	427	\$616,651.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC NEW RESIDENTIAL	0	\$0.00	214	\$7,000.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC SERVICE UPGRADE	2	\$0.00	148	\$35.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ACCESSORY	0	\$0.00	18	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ELEVATOR	0	\$0.00	15	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL HVAC APPLIANCE	0	\$0.00	15	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL NEW COMMERCIAL	0	\$0.00	101	\$276,870.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL POOL	0	\$0.00	6	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL SIGN	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	848	\$8,482,287.98	0	\$0.00	93	\$697,422.13	0	\$0.00
BUILDING MECHANICAL ALTERATION	0	\$0.00	79	\$800,475.00	0	\$0.00	12	\$3,494,433.00
BUILDING MECHANICAL FIREPLACE	0	\$0.00	81	\$267,292.00	0	\$0.00	15	\$54,700.00
BUILDING MECHANICAL HVAC APPLIANCE	0	\$0.00	222	\$1,446,180.20	0	\$0.00	22	\$163,321.00
BUILDING MECHANICAL NEW CONSTRUCTION	0	\$0.00	322	\$11,748,404.55	0	\$0.00	44	\$1,369,895.00
BUILDING MECHANICAL OTHER	0	\$0.00	2	\$2,453.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL WATER HEATER	0	\$0.00	198	\$285,108.69	0	\$0.00	15	\$24,099.00
BUILDING PLUMBING	259	\$7,306,649.00	342	\$8,544,478.53	36	\$378,532.00	38	\$844,426.00
BUILDING SEPTIC	1	\$12,900.00	1	\$0.00	11	\$0.00	19	\$0.00
BUILDING SEPTIC EVALUATION	0	\$0.00	0	\$0.00	0	\$0.00	1	\$0.00
Total	1715	\$15,804,436.98	2194	\$23,994,947.97	140	\$1,075,954.13	166	\$5,950,874.00

**PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 7/2017**

*****City*****

*****ETA*****

	7/2017	7/2016	7/2017	7/2016
Living Units	Units	Units	Units	Units
HOTELS	0	111	0	0
FIVE OR MORE FAMILY	0	30	0	0
OTHER NEW	0	0	0	0
FIVE OR MORE FAMILY	0	48	0	0
OTHER NEW	0	0	0	0
ROWHOUSE	0	6	0	0
MANUFACTURED HOMES	25	29	0	0
2-UNIT DUPLEX OR CONDO	0	12	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	84	100	0	0
SINGLE FAMILY DETACHED	111	120	23	19
Total	220	456	23	19